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National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Sri Lanka

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I. Introduction

Background

1. In January 2015, Sri Lanka underwent an important transition where a new coalition government was formed following a presidential election. Thereafter in August 2015 the present government was elected following the parliamentary election.

2. Since 2015, greater democratic space has been created through a series of constitutional and administrative reforms. The new government made a firm commitment to finding solutions to national issues including complex post-armed conflict challenges of peace and reconciliation. The UN High Commissioner for Human Rights and other UN bodies as well as the European Commission during its assessment of Sri Lanka's application for the Generalised System of Preferences (GSP) Plus trade facility, acknowledged the considerable progress that has been made by the government.

3. The present report aims to outline the progress made in the promotion and protection of human rights in the country since Sri Lanka's second Universal Periodic Review cycle (UPR) in 2012, and the implementation of recommendations made to Sri Lanka and the voluntary pledges undertaken during the first and second UPR cycles in 2008 and 2012 respectively.

II. Methodology and consultations

4. The methodology adopted in the preparation of this Report was twofold: first, relevant government agencies gathered and synthesized information; second, public consultations with non-governmental stakeholders were held to seek their views and to address issues pertinent to civil society.

Data gathering and synthesis

5. First, an inter-ministerial working group comprising officials from relevant government ministries and departments met and synthesised information on the status of implementation, with respect to the recommendations Sri Lanka received during the two previous UPR cycles. A focal point at the UN Division of the Ministry of Foreign Affairs (MFA) was appointed to gather information and liaise with relevant stakeholders.

6. Second, the MFA undertook a review of the recently finalised National Human Rights Action Plan (NHRAP) 2017-2021 to ascertain the extent to which UPR voluntary pledges and recommendations from 2008 and 2012 have been incorporated into the Plan. The process through which the Plan was developed in 2016 specifically included a commitment to integrate UPR recommendations into the various thematic chapters of the Plan.

National consultations

7. National consultations for the purpose of formulating this Report were held in two stages. First, the process through which the current NHRAP was developed was considered as the first stage of consultations, as the recommendations of both UPR cycles were incorporated into the Plan. The process for developing the current NHRAP included the establishment of two coordinating committees representing the government and civil

society organisations to provide overall guidance to the drafting process. Thereafter, government officials and civil society actors were appointed to the ten drafting committees tasked with developing the thematic chapters. An official webpage was created to receive public recommendations. Further public consultations were held inviting the general public and civil society to submit their observations and recommendations. Finally, the draft NHRAP was circulated among line ministries, the Human Rights Commission of Sri Lanka (HRCSL), UN agencies and several high-level human rights experts for the purpose of obtaining feedback before it was presented for approval of the Cabinet of Ministers in January 2017.

8. Based on the information obtained through this process a draft National Report was prepared. The Office of the High Commissioner for Human Rights (OHCHR), through its senior human rights advisor based in Sri Lanka, was consulted in designing the structure and presentation of the Report. Meanwhile, HRCSL submitted its own UPR shadow report, which the Government of Sri Lanka (GOSL) took specific cognizance of in the preparation of the draft National Report.

9. The draft National Report was published on the website of the MFA, and circulated among civil society organisations during public consultations. The draft Report was also published in Sinhala and Tamil with a view to ensuring constructive feedback from a diverse set of stakeholders. Announcements were made via newspaper advertisements in English, Sinhala and Tamil to inform the public and civil society organisations on how to access the draft Report and provide feedback.

10. Direct consultations on the draft National Report were organised in Colombo, Galle, Kandy, Jaffna and Kalmunai taking into consideration the sectoral and ethnic diversity of the country. The Consultations were welcomed by all the participants, as it was the first time the government engaged with the public to actively seek their views on a UPR National Report. This was evidenced by the open and active participation of many members of the general public, civil society organisations, grass root organisations, academics, UN agencies, international non-governmental organisations, university students, journalists, and indigenous groups that attended these consultations. The participants were given an opportunity to present their views individually or in groups.

Finalisation of the national report

11. Once all information was gathered and consultations completed, the National Report was prepared in compliance with the guidelines issued by the UNHRC through resolution 16/21 dated 12 April 2011.

III. Legal and institutional framework

A. Constitutional and statutory framework

Constitution

Voluntary pledge set forth in paragraph 93 UPR Working Group Report (2008)[1]

12. The Constitution of Sri Lanka adopts a dualist model. Thus the fulfilment of Sri Lanka's obligations under international treaties is facilitated *vis-à-vis* the provisions of the Constitution, domestic legislation, and regulations made under the principal laws. International conventions to which Sri Lanka is a party have been recognised through legal, constitutional and judicial processes prevailing in Sri Lanka.

13. The Sri Lankan Constitution contains a separate Chapter on Fundamental Rights[2]. The scope of these rights has been expanded through the jurisprudence of the Supreme Court of Sri Lanka, which has the jurisdiction to grant equitable relief including compensation for the violation of these rights. For instance, the right to life is not explicitly included in the fundamental rights chapter of the Constitution. However, in *Sriyani Silva v. Iddamalgoda* [2003][3], the Supreme Court of Sri Lanka recognised that the right to life is implicitly included in the Constitution.

14. A new Bill of Rights is currently being considered as part of constitutional reforms. A Parliamentary Sub-Committee on Fundamental Rights has already presented its final report. The report included explicit rights to life and privacy and extended the right to non-discrimination by including additional grounds such as disability, gender identity and sexual orientation.

Convention Against Torture Act and ICCPR Act

15. The Torture Act[4] incorporates the Convention Against Torture[5] (CAT) into domestic law. Moreover, the ICCPR Act[6] incorporates specific provisions of the ICCPR that are not explicitly or implicitly recognised by the Constitution.[7]

16. The Supreme Court of Sri Lanka has jurisdiction to inquire into fundamental rights violations by executive or administrative actions of the State. Any aggrieved party or his or her legal representative may file a petition before the Supreme Court within one month of an actual or imminent infringement of a fundamental right. Furthermore, *locus standi* for fundamental rights petitions has been expanded through Supreme Court decisions. Moreover, the High Court of Sri Lanka has jurisdiction to try offences under the Torture Act and the ICCPR Act.

Assistance to and Protection of Victims of Crime and Witness Act

Recommendations set forth in paragraph 128 of the UPR Working Group Report (2012)[8] – 25; voluntary pledge set forth in paragraph 90 (2008)

17. In March 2015, Sri Lanka enacted the Assistance to and Protection of Victims of Crime and Witness Act[9] 2015. The Act sets out rights and entitlements of victims of crime and witnesses, and the protection and promotion of such rights and entitlements. Moreover, it provides for the payment of compensation to victims of crime and establishes a special fund[10]. It also establishes a National Authority[11], and a special Division in the Sri Lanka Police.[12] On 8th January 2016, President Maithripala Sirisena inaugurated the Authority. For the year 2016, the Ministry of Justice allocated Rs. 2 million for the initial work pertaining to the setting up of the Authority, which will be increased for 2017 in order to facilitate the Authority to commence its work. Meanwhile, a Board of Management of the Authority developed a programme of action, and the Inspector General of Police (IGP) has initiated action aimed at establishing the special Division.

New domestic enabling legislation

18. Sri Lanka ratified the Convention on the Rights of Persons with Disabilities (CRPD) on 8th February 2016 and signed the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) on 10th December 2015, following which measures have been taken to introduce comprehensive legislation that incorporates the provisions of the Conventions into domestic law.[13]

B. Mechanisms established for implementation

Human Rights Commission of Sri Lanka

Recommendations set forth in paragraph 127 (2012) – 30, 31, 32, 23, 34, 36, 37, 38, 39, and 40, and 128 (2012) – 14 and 28; and voluntary pledge set forth in paragraph 89 (2008)

19. The independence of the HRCSL has been strengthened following the enactment of the Nineteenth Amendment to the Constitution on 15th May 2015. This constitutional amendment restricts the discretionary authority that was previously conferred on the President to appoint members to statutory authorities including the HRCSL. These appointments are now recommended by the Constitutional Council. Dr. Deepika Udagama, a highly acclaimed human rights advocate was appointed as the new chairperson of the HRCSL in October 2015. Since the appointment of the new commissioners, the HRCSL has been instrumental in providing constructive feedback on key policy documents such as the NHRAP 2017-2021. It has also submitted shadow reports to international treaty bodies including the UN Committee Against Torture, and has issued key human rights directives, such as the directives on standards and procedures to be followed when arresting and detaining suspects under the Prevention of Terrorism Act (PTA)[14], and has submitted recommendations on key human rights issues in its advisory capacity, which the government has taken cognizance of.

20. The HRCSL has the authority to entertain complaints regarding infringements or imminent infringements of fundamental rights, and to provide for resolution by conciliation and mediation. It also has the power to investigate infringements of fundamental rights and to monitor the welfare of persons in detention. The Commission has the authority to advise and assist the government in formulating legislation and policy and to make recommendations to ensure compliance of national laws and administrative practices with international human rights norms and standards.

Ministry of Women and Child Affairs

21. The Ministry of Women and Child Affairs (MWCA) is the apex body responsible for the overall implementation of policies, laws and obligations arising under international conventions[15] relating to women and children. Moreover, Women's Development Officers, Women and Children Police Help Desks, and Children and Women Units at the Divisional Secretariat level perform important functions with respect to the empowerment of women, and protecting and promoting women's rights.

22. The departments and statutory institutions assigned to MWCA to protect children include the National Child Protection Authority (NCPA) and the Department of Probation and Childcare Services (DPCCS). Furthermore, specific matters relating to child welfare and child protection are handled by a number of line ministries, including the Ministry of Social Empowerment and Welfare, Ministry of Justice, the Ministry of Education and the Ministry of Health.[16] In addition, there are nine Provincial Departments of Probation and Childcare Services in the nine provinces headed by a Provincial Commissioner. The provincial departments receive funds annually from the Treasury through the respective provincial councils. At the district, divisional and village level, Child Development Committees monitor all aspects in relation to the advancement of child rights. These Committees consist of government officials drawn from different sectors, representatives from civil society organisations and religious leaders.

Official Languages Commission

23. The Official Languages Commission was established in 1991 and is vested with a range of powers to ensure implementation of provisions in the Constitution relating to

language. It is mandated to recommend language policy, promote the use and appreciation of official languages and conduct inquiries in response to any complaint on the violation of language laws.

NGO oversight

Recommendations set forth in paragraph 128 (2012) – 85

24. The NGO Secretariat, which is the state agency responsible for the regulation of NGOs in Sri Lanka, was assigned to the Ministry of Coexistence, Dialogue and Official Languages, thus removing it from the Ministry of Defence and ensuring that its oversight was assigned to a civilian authority.

C. National Human Rights Action Plan

Recommendations set forth in paragraph 127 (2012) – 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 29, 41; voluntary pledge set forth in paragraph 4.2 (2013)[17]

25. The NHRAP 2011-2016 was adopted by the Cabinet of Ministers in May 2011 upon formulation and submission by the former Ministry of Human Rights and Disaster Management. A Cabinet sub-committee was thereafter appointed to monitor its implementation. However, the previous government encountered significant challenges in the implementation of the Plan and thereafter measures to disseminate and implement the Plan were discontinued.

26. Following the change in government in January 2015, several action points including the following were identified and integrated into the current reform agenda:

(a) Review the Prevention of Terrorism Act (PTA) of 1979 to meet international standards;

(b) Amend the Code of Criminal Procedure Act to ensure that acknowledgment of an arrest is communicated to family members, to enable Magistrates to visit places of detention; and to grant prompt access to lawyers;

(c) Criminalize enforced disappearances;

(d) Enact and fully implement a Witness and Victim Protection law;

(e) Adopt legislation on the right to information;

(f) Introduce reforms to address delays in the administration of justice; and

(g) Review and implement an anti- sexual harassment policy in government sector institutions.

27. The critical lessons learnt during the process of implementing the previous Action Plan have been incorporated into the development, dissemination and implementation of the current NHRAP 2017-2021.

28. The NHRAP 2017-2021 was presented to the Cabinet of Ministers in January 2017, and is currently being translated into Sinhala and Tamil languages. The Plan contains relevant, measurable and practical action points relating to the promotion and protection of human rights in ten thematic areas.[18] The Plan will be implemented through an Inter-Ministerial Committee.

D. Human rights education

Recommendations set forth in paragraph 127 (2012) – 35, 80, 81, 86 and 87; and voluntary pledges set forth in paragraphs 91, 92 and 112 (2008)

29. The Ministry of Education has included the subject of 'human rights' in the secondary school education curriculum. Since January 2017, Sri Lanka has successfully introduced a subject called 'Think Equal' in pilot schools across twelve districts. The new subject teaches children between the ages of three and seven, social and emotional intelligence and core values including gender sensitivity, equality and human rights. The project aims to fulfil Sri Lanka's commitment to introduce human rights education pursuant to General Assembly resolution 59/113 A of 10 December 2004 proclaiming the World Programme for Human Rights Education, and strengthen the reconciliation process aimed at achieving long-term sustainable peace. On 1 August 2017, the Cabinet of Ministers approved the introduction of this programme in all pre-schools in the country.

30. Human rights education forms part of the training of all law enforcement officers, members of the armed forces and prison officers. Such training includes lectures on the fundamental rights guaranteed by the Constitution, international human right norms, the law of criminal procedure, the rights of a citizen, and the duties and obligations of law enforcement officers.

31. The Sri Lanka Army has a Directorate of Human Rights and International Humanitarian Law (IHL) that is tasked with providing human rights and IHL training to all ranks. Furthermore, the International Committee of the Red Cross (ICRC) conducts regular IHL training programmes for Sri Lankan military personnel. Human rights forms part of the basic training of all new recruits at the Sri Lanka Police College, and part of examinations at the Police Higher Training Institute. Steps have also been taken to enhance public awareness of human rights for political leaders.[19]

IV. Implementation of recommendations and voluntary pledges

A. Cross-cutting issues

Equality and non-discrimination

Recommendations set forth in paragraph 128 (2012) – 53

32. Article 12 of the Sri Lankan Constitution guarantees the rights to equality and non-discrimination. The guarantees of equality and equal protection of the law under article 12(1) are not subject to any exception. However, the prohibited grounds of discrimination expressly included in article 12(2) are not exhaustive.

33. The final report of the parliamentary Sub-Committee on Fundamental Rights, recommended that the Fundamental Rights Chapter in the Sri Lankan Constitution include express guarantees of non-discrimination on the grounds of disability, gender identity and sexual orientation. Moreover, the current NHRAP 2017-2021 commits to eliminating any discriminatory provisions in Sri Lanka's Penal Code.

34. Article 16(1) of the Constitution provides that 'all existing written law and unwritten law shall be valid and operative' notwithstanding the fundamental rights chapter of the Constitution. Sri Lanka has, however, clarified before the UN Committee on Economic, Social and Cultural Rights that this article does not authorise the unequal or discriminatory application of Penal Code or other criminal law provisions against any particular individual

or community. Post-enactment judicial review of legislation is currently precluded under article 80(3) of the Constitution.

35. These specific provisions of the Constitution are currently being considered in the context of constitutional reform. Both the Public Representations Committee on Constitutional Reform and the parliamentary Sub-Committee on Fundamental Rights recommend reform of article 16(1) of the Constitution, and the introduction of post-enactment judicial review of legislation. These recommendations are currently under consideration by the Parliamentary Steering Committee on Constitutional Reform.

Reconciliation and accountability

Recommendations set forth in paragraph 127 (2012) – 8, 9, 21, 22, 23, 25, 26, 27, 28, 42, 45, 46, 52, 59, 75, 76, 77, 78, 82, 85, 89

36. The GOSL co-sponsored two UNHRC resolutions[20] that set out Sri Lanka's broad commitments to promote reconciliation, ensure accountability for alleged abuses of international human rights law and IHL during the armed conflict, and improve the human rights situation in the country. The constructive recommendations of the Lessons Learnt and Reconciliation Commission (LLRC) form part of the substance of the resolutions. The LLRC report was also a core document in the formulation of the NHRAP 2017-2021. The resolutions specifically commit to the establishment of transitional justice mechanisms including an Office on Missing Persons (OMP), a truth-seeking commission, an Office on Reparations, and a special court with independent counsel.

37. Sri Lanka established three new agencies namely, the Ministry of National Integration and Reconciliation (MNIR) with the President as the Minister, the Ministry of National Co-existence, Dialogue and Official Languages, and the Office for National Unity and Reconciliation (ONUR) as an agency of the MNIR, to spearhead programmes to usher in unity and reconciliation in the country. In consultation with the two relevant Ministries, the ONUR developed a draft National Policy on Reconciliation through a one-year process of consultations with multiple stakeholders, and through revisiting previous national initiatives on reconciliation including the LLRC's report.[21] The policy was approved by the Cabinet of Ministers and was adopted in May 2017.[22] ONUR, in collaboration with state and private media, and through social media, has meanwhile commenced a nationwide media campaign to foster the vision of a plural and inclusive Sri Lanka.

38. In December 2015, the government established the Secretariat for Coordinating Reconciliation Mechanisms (SCRM) under the Prime Minister's Office to ensure that the commitments under UNHRC Resolution 30/1 are met. The SCRM was tasked with the design and facilitating implementation of the government's transitional justice mechanisms, and also provides support for the non-recurrence agenda via ONUR.

39. Since its establishment, SCRM has entered into partnerships with the UN Country Team to ensure that international best practices are adopted in the design of the reconciliation mechanisms in Sri Lanka. These partnerships include those with UNDP, OHCHR, UN DPA, IOM, UNICEF, and UN Women. A Peace-building Priority Plan was accordingly formulated to provide support to actionable areas in the government's reconciliation agenda.[23] A high-level Steering Committee on Reconciliation was established to provide overall direction to all activities concerned with reconciliation and non-recurrence in Sri Lanka.[24]

40. In January 2016, the government appointed a Consultation Task Force (CTF) on processes relating to reconciliation and transitional justice. The CTF comprised civil society representatives and was assisted by a Committee of Experts, and a Representatives Committee, which connected the task force to relevant stakeholders. The CTF carried out

nationwide consultations and received over 7,000 submissions. Its final report was presented to government in January 2017, and is being considered in the process of preparing draft legislation to establish transitional justice mechanisms.

41. The government has taken steps to establish the four transitional justice mechanisms committed to under Resolution 30/1. First, in August 2016, it enacted legislation to establish the OMP. In July 2017, the OMP was assigned to the MNIR. Second, a Working Group comprising senior academics, government officials and transitional justice experts was appointed to draft legislation on a truth-seeking mechanism.[25] Third, a Reparations Technical Committee was appointed to draft legislation on the establishment of an Office of Reparations. The draft laws on a truth-seeking mechanism and Office of Reparations will be presented to Cabinet once the drafts are vetted by the Attorney-General for constitutional compliance. Following the extension of the timeline for implementation of 30/1, a high-level Committee chaired by the Prime Minister was set up by Cabinet to monitor implementation.

42. The release of private land occupied by the military is another major priority of the government. 24,336.25 acres of private land in the Northern and Eastern provinces have been released since the end of the war in 2009, out of which 4,190.58 acres have been released since January 2015. A total of 6051.36 acres of private land in the Northern and Eastern provinces occupied by the military remain to be released.

43. In the conflict-affected North and Eastern provinces, schools have been re-opened since the conclusion of the conflict in 2009. Children, including former child combatants recruited by the LTTE, are currently attending school. Meanwhile, since 2009 female ex-child combatants whose education was disrupted by the armed conflict have sat for GCE Ordinary and Advance Level examinations[26] conducted by the Department of Examination of Sri Lanka.

44. Since women head 23.4 percent of households in the North and East, in March 2015, the government set up a National Committee on Female-Headed Households (FHHs) and a National Centre for FHHs in Kilinochchi. These Committees have enabled FHHs to integrate into the workforce and access sustainable livelihoods. Cabinet approved a national policy on FHHs formulated by the MWCA, in consultation with relevant stakeholders including the civil society in October 2016 and which is currently being translated into a National Action Plan for WHH for the period 2017-2019.

45. A Declaration of Peace was adopted by the Government on Independence Day in 2015, and since January 2015, the government introduced the practice of singing the national anthem in both national languages (Sinhala and Tamil). The national anthem was accordingly sung in both languages at the 4th February Independence Day celebrations in 2016 and 2017.

46. The government has taken steps to strengthen the framework for the provision of psychosocial care to conflict-affected communities. For example, ONUR has worked with consultant psychiatrists and psychologists to hold 'training of trainers' workshops in the Northern Province.[27]

B. Civil and political rights

Right to life, liberty and security of persons

Recommendations set forth in paragraph 127 (2012) – 54, 74, 79, 83, 84, 110, paragraph 128 (2012) – 57, 94; voluntary pledge set forth in paragraph 4.9 (2013)

47. The NHRAP 2017-2021 includes a commitment to introduce appropriate reforms to explicitly recognise the right to life in the Sri Lankan Constitution. Given the fact that the parliamentary Sub-Committee on Fundamental Rights has recommended the inclusion of the right to life in the fundamental rights chapter of the Constitution, it is expected that the constitutional reform process will result in such inclusion.

48. The government has taken steps to investigate past occurrence of extra-judicial killings. For example, the government has informed certain witnesses residing overseas and who have been summoned to give testimony in pending judicial proceedings that they will be afforded maximum safeguards under the Assistance to and Protection of Victims of Crime and Witnesses Act including airport-to-airport security. A Bill to amend section 31 of the Act to enable witnesses to give testimony through audio-video linkage from a Sri Lankan Diplomatic Mission was gazetted in May 2017. Moreover, a military official suspected of having ordered the shooting of protestors in Rathupaswala in 2013 was arrested by the Criminal Investigations Department of the Police in May 2017.

49. Sri Lanka has abolished the practice of execution upon judicial order since 1976, and has voted in favour of the periodic UN General Assembly Resolution on the moratorium on the use of the death penalty.

50. A new Prisons Administration Bill is being finalised to enhance the efficiency of the prisons system and mitigate the issue of prison overcrowding. A draft Bill was submitted to Cabinet, and amendments suggested by Cabinet are currently being incorporated. Moreover, an Urban Prisons Relocation Programme was introduced to mitigate prison overcrowding.

51. The Prison's Department has also taken steps to mainstream the UN Nelson Mandela Rules and Bangkok Rules into prisons administration. Telephone facilities are provided to prisoners to contact their families in the Welikada Prison. Such facilities will be provided in other prisons in the future. Furthermore, a Prison Information Management System has been introduced to effectively keep records of prisoners from their registration to their discharge.

52. The GOSL cooperates with the HRCSL and the ICRC to ensure regular and unannounced visits to prisons, and in collaboration with these institutions, aims to reduce overcrowding in prisons.

53. A suspect's right to access legal counsel was strengthened through Regulations issued in 2012 by the IGP.[28] The Regulations provide that a lawyer representing the interest of a suspect held in police custody is entitled to meet with the Officer in Charge of the police station in which the suspect is being held, to ascertain the reasons for the arrest, and to make representation to the police officer on behalf of the suspect. Meanwhile, the Cabinet of Ministers approved a Criminal Procedure (Special Provisions) Amendment Bill, which aims to convert the provisions of the IGP's Regulations into statute form. The Bill will be presented to Parliament after incorporating the feedback from the HRCSL, UN agencies, and civil society.

54. The Minister of Justice appointed two special committees to review the Criminal Procedure Code and Penal Code and recommend reforms in compliance with international standards.

55. In December 2015, the government took a policy decision to reduce the number of detainees held without charge (under the PTA and previous Emergency Regulations) to zero. Consequently, at the time of the submission of this report, there were no suspects in custody under administrative detention orders i.e. all suspects arrested under the PTA were transferred into judicial custody. Measures have meanwhile been taken to expedite pending cases against suspects investigated and prosecuted under these laws. Special High Courts in Colombo and Anuradhapura were established to expedite cases filed in terms of the PTA and under the previous Emergency Regulations.

56. The government decided to review and repeal the PTA, and replace it with new counter-terrorism legislation that is compatible with international human rights standards. A draft policy and legal framework for a proposed counter-terrorism law was accordingly prepared by a committee of experts and has received the approval of the Cabinet of Ministers. Inputs of the UN Counter-Terrorism Committee Executive Directorate were considered during the deliberations relating to the drafting process. The framework, however, is yet to be finalised and converted into Bill form, following which it will be available to the public for further scrutiny.

Freedom from torture

Recommendations set forth in paragraph 128 (2012) – 60, 61, 62, 63, 76

57. The GOSL is cognizant of the continued challenges encountered with respect to combating torture in the country. It maintains a 'zero tolerance policy' on torture. In this context, several positive developments have taken place during the past two years.

58. First, the independence of the HRCSL has been strengthened. This has ensured that the premier national human rights institution of the country is afforded the space and opportunity to accurately report on the human rights situation and, where appropriate, constructively engage the government on introducing necessary improvements. The current HRCSL's reporting on torture is a direct result of this renewed independence.

59. Second, victims have been provided with an international mechanism to seek redress in cases of torture. On 6th August 2016, Sri Lanka submitted a declaration under article 22 of the CAT allowing the Committee against Torture to receive and consider communications from or on behalf of individuals regarding violations of the provisions of the Convention. The GOSL has accordingly undertaken to cooperate with the Committee, and implement its recommendations in accordance with the laws of the country.

60. Third, directives with respect to the arrest and detention of suspects under the PTA have been issued by the President and the HRCSL to security forces and police in June and May 2016 respectively. They specifically include prohibitions on the practice of torture, thereby reinforcing the political will to investigate, prosecute and punish offenders under the Torture Act.

Enforced disappearance

Recommendations set forth in paragraph 127 (2012) – 3, 4, 60, and paragraph 128 (2012) – 1, 2, 3, 4, 5

61. The GOSL has taken positive measures to investigate disappearances in the past, and to ensure non-recurrence of disappearances in the future. It has made progress in investigating the disappearance of journalists including Prageeth Eknaligoda. Several suspects have been arrested, and granted bail; prosecutions are expected to begin once investigations are completed.

62. Following the ratification of the ICPPED, a Bill that incorporates the provisions of the Convention received the approval of the Cabinet of Ministers and will be addressed in Parliament with a view to ensuring its early enactment.[29]

63. The GOSL has responded to 1,688 cases of disappearances referred to by the UN Working Group on Enforced or Involuntary Disappearances. Moreover, the Working Group undertook a visit to Sri Lanka from 9th to 18th November 2015, and noted the cooperation of the government in providing unimpeded access to places of detention.

64. In many disappearance cases, the families of the disappeared believe that the person concerned is still living. In this context, in 2016, the government enacted an amendment to the Registration of Deaths (Temporary Provisions) Act,[30] in order to issue Certificates of Absence in lieu of death certificates which would enable the families of the disappeared to access the right to utilise land and withdraw funds from bank accounts belonging to the missing person. ONUR has facilitated the activation of this process, and the Registrar General of Births and Deaths has called for applications for issuance of Certificates of Absence.

Freedom of speech and expression

Recommendations set forth in paragraph 128 (2012) – 27, 49, 83, 87

65. In August 2016, the government enacted the Right to Information Act,[31] to advance freedom of speech and expression, and media freedom. Under the law, every public authority is obliged to appoint an Information Officer to provide information to the public on request. This law calls upon public authorities to proactively disclose information in order to advance a culture of openness. It also establishes an independent Right to Information Commission to receive and dispose of complaints from citizens. The law was operationalised in February 2017, and citizens have begun to utilise the law to access information.

66. To restore media freedom, all restrictions on news websites were lifted in January 2015 following presidential instructions sent to the Telecommunication Regulation Commission. Accordingly, news websites, including those critical of the state, can operate freely without restrictions. Furthermore, restrictions on the freedom of journalists including foreign journalists to visit the North and East have been lifted.

67. Law enforcement authorities are currently investigating past attacks on journalists. For example, the investigation into the murder of Lasantha Wickrematunge, chief editor of the Sunday Leader newspaper in 2009 has been reopened. In February 2017, several suspects were arrested in connection with the murder.[32]

Freedom of thought, conscience and religion

Recommendations set forth in paragraph 127 (2012) – 56, 57, paragraph 128 (2012) – 91

68. The freedom of religion has been an issue of focus during the post-armed conflict period in Sri Lanka due to allegations of inter-religious tensions in the country. The NHRAP 2017-2021 contains a firm commitment to enforce section 3(1) of the ICCPR Act, which criminalises hate speech.

69. ONUR conducts programmes for students to promote religious coexistence.[33] Moreover, the Cabinet-approved National Policy on Reconciliation contains policy commitments to maintain the rule of law, and promote co-existence between religious communities.

70. ONUR has identified geographic locations with particular vulnerabilities to inter-religious violence, and has conducted interactive training in conflict transformation in these areas. The training was supported by UNDP, and serves as an early warning system for religious violence. Over 12,000 persons, including Buddhist, Islamic, Hindu and Christian clergy, professionals, opinion leaders and public servants were trained in 2016.

71. Meanwhile, a number of reports were filed by the Police in the magistrate's courts against persons suspected of being involved in the violence that took place in Aluthgama in July 2014. Charges will be framed against suspects based on the evidence contained in these reports.

Language

Recommendations set forth in paragraph 127 (2012) – 55, voluntary pledge set forth in paragraph 105 (2008), voluntary pledge set forth in paragraph 4.1 (2013)

72. The GOSL has prioritised the implementation of the Official Language Policy of Sri Lanka, and the Ten Year National Plan for a Trilingual Sri Lanka. The implementation of this Policy and Plan is vital to promote reconciliation in the country and to ensure meaningful access to state services. In 2016, the National Coexistence Action Plan for Social Integration was formulated.[14]

73. The GOSL has taken several constructive steps towards achieving its targets with respect to language rights. First, it has aimed to build national capacities through a Language Road Map.[15] Approximately 5,000 language/co-existence societies registered with the MCDOL have been established in communities. Presently 600 language classes are being held to teach official languages to over 15,000 persons.

74. Second, the government has launched platforms for public feedback and education. It established a Call Centre to receive public complaints. Since its establishment in 2012, the centre has received 100–150 calls per month. The website *www.bashawa.lk* was launched to enable translation services.

75. Third, model sites in selected municipal councils, urban councils, police stations, and general hospitals, and 72 bilingual facilitation cells in bilingual district and divisional secretariat divisions, have been established to improve local service delivery. These sites will be replicated in other locations. Measures are also being taken to ensure that every police station in the country has a bilingual officer on duty 24 hours of the day.

76. The Cabinet of Ministers on 9th May 2017 decided that all public and semi-government institutions as well as public places should display bilingual-trilingual signboards for the guidance and convenience of the general public. Moreover, recent amendments to the National Medicines Regulatory Authority Act[16] provide that pharmacists should dispense medicine and medical advice in the language preferred by the customer.

C. Economic, social and cultural rights

Right to health

Voluntary pledge set forth in paragraph 93 (2008)

77. Sri Lanka made a voluntary pledge to work towards the alleviation of poverty and achieving the Millennium Development Goals (MDGs) through continued investment in health services. The government reached its targets for universal child immunization with immunization coverage of children under three years reaching above 98.5 percent. The

OPV/DT (Immunization against Diphtheria, Tetanus and Poliomyelitis) coverage of five-year-old children is 86.6 percent. Meanwhile, polio has not been reported in Sri Lanka since 1996. Moreover, the neo-natal mortality rate has declined from 22.2 deaths per 1,000 live births in 1991 to 6.5 in 2013.

78. The proportion of births attended by skilled birth attendants was 99.8 percent in 2013. According to the Ministry of Health (MOH) Emergency Obstetric Care Survey (2012/2013), almost all births in Sri Lanka are institutional deliveries with trained care, and over 70 percent in specialised units.

79. The National Health Master Plan (2012-2017) has prioritised the need to increase both human and financial resources at the national and provincial levels. The Plan aims to increase the number of Public Health Midwives up to 1 per 3,000 persons by 2017 and increase DPT3 immunization up to a 100 percent by 2017.

Right to education

Voluntary pledge set forth in paragraph 95 (2009)

80. Sri Lanka made a voluntary pledge on the alleviation of poverty through education. The state provides free education from Grade 1 to university level, and offers many incentives to ensure equity and equality in access to education. Meanwhile the minimum age of education has been increased from fourteen years to sixteen years through regulations issued under the Education Ordinance of 1939[17]. Sri Lanka accordingly has a high primary education completion rate of 99.5 percent. The primary enrolment rate is 98.26 percent and the primary dropout rate is 0.23 percent. The survival rate at Grade 5 is currently 98.5 percent and the survival rate at Grade 9 is 97.8 percent. Meanwhile the secondary education enrolment rate is 98.5 percent and the secondary education completion rate is also 98.5 percent.

81. The Ministry of Education has prepared the current National Education Plan (2012-2017).[18] Meanwhile, the Child-Friendly Guidelines of 2009[19] promotes child-friendly schools, and this approach was piloted in 1,500 schools in five provinces. Key elements of the approach have now been incorporated into education policy for all 9,905 schools in the country.

82. To promote the child's experience in school, the GOSL provides students with mid-day meals, uniforms and learning materials.[20] Further, child protection committees are established in all state schools. Moreover, in an attempt to improve Tamil medium education, the GOSL recruited 2,631 Tamil medium teachers for several provinces.

Right to housing

Recommendations set forth in paragraph 127 (2012) – 88

83. The initial needs assessment conducted in November 2015 by the government revealed that there is an outstanding requirement of 137,500 houses in conflict-affected areas. Of the total requirement, 65,000 houses are to be constructed by the GOSL.[21]

84. In the meantime, 33,145 of 46,000 houses to be built with financial support from the Indian government were completed. Furthermore, 518 houses are being constructed for displaced persons in Mannar with the financial support from the governments of Pakistan, Kazakhstan and Bahrain. Additionally, 3,000 houses will be constructed under the EU grant programme in Mullaitivu, Kilinochchi and Batticaloa.

85. The housing situation and living conditions of approximately 160,000 families residing in the Plantation Sector are being addressed by line ministries through the

Plantation Human Development Trust (PHDT). A cluster based housing programme with water supply, sanitation, access roads, electricity, community centres, child development centres and temples and other common facilities was formulated and implemented to restore and improve the dignity of the Plantation Sector. The PHDT extends support to the Ministry of Plantation Industries to initially issue 'provisional' deeds and thereafter the title deeds to both spouses to ensure co-ownership, gender equality and empowerment. Thus far, 1,098 deeds have been issued to these families. Meanwhile, an Indian government grant project for 4,000 houses commenced in January 2015 in Badulla, Nuwara Eliya and Hatton. The project will be completed in 2017. Moreover, the National Plan of Action for the Social Development of the Plantation Community (2019-2025) was launched to uplift the economic, social and living conditions of the plantation community.

Livelihoods and alleviation of poverty

Recommendations set forth in paragraph 127 (2012) – 98, 67, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, voluntary pledges set forth in paragraphs 4.6, 4.16 (2013)

86. Alleviation of poverty is a high priority for the GOSL. The new economic policy orientation of the government takes into account issues relating to social security, disparities in income distribution, the plight of economically and socially marginalised sectors, and the prevailing developmental inequalities at the provincial and district levels.

87. The Government declared the year 2017 as the 'Year of Alleviation of Poverty' and decided to appoint a high powered committee, chaired by the President and comprising the Prime Minister and relevant ministers to implement a national policy on poverty alleviation with the participation of all ministries, provincial councils, statutory bodies and corporations, the private sector and non-governmental partners. The overall objective of this policy is to ensure that Sri Lanka is free of poverty by the year 2030.[42] To build an economically prosperous citizenry capable of understanding their rights and fulfilling their duties, the 'Gramashakthi People's Movement' was launched in 4th May 2017 which will be initiated in 15,000 villages by 2020.

88. The Ministry of Planning and ONUR have jointly developed detailed District Development Programme plans in consultation with various stakeholders[43] for the Northern and Eastern provinces to restore roads, irrigation channels, rural clinics, schools, housing and tanks.

89. Other livelihood initiatives include establishment of model farms in Kilinochchi[44] and Hambantota to teach 300 small farmers dry land farming to grow vegetables and fruits using methods that conserve water and fertilizer while doubling their yield and income.[45]

90. Further the Rehabilitation Authority has provided self-employment loans to over 6000 formerly displaced families, and compensation to over 60,000 families, self-employment opportunities for over 4,000 families, and housing loans to over 500 families in resettlement areas.

91. Meanwhile the GOSL continues to collect statistical information relating to socioeconomic conditions to enable identification of social and economic rights issues.

Right to work and protection of human rights in the workplace

Voluntary pledge set forth in paragraph 4.19 (2013)

92. The GOSL has taken steps to introduce legislation and regulations to ensure occupational safety, health and welfare at work in preparation for the ratification of ILO Convention 155. Occupational safety and health is covered by the Factories Ordinance, No.

45 of 1942 and in addition an Occupational Safety, Health and Welfare Act is being drafted and will be presented to the Cabinet of Ministers.

93. A National Occupational Safety and Health Policy for Sri Lanka was developed by GOSL[46] in June 2014 to establish a national occupational safety and health system and programmes to improve the working environment.

94. Moreover, the National Institute of Occupational Safety and Health was established in 2009 to conduct training programmes for employees, employers, trade unions and government officers, and to reduce the number of work-related injuries and diseases.

D. Rights of specific persons or groups

Women

Recommendations set forth in paragraph 127 (2012) – 2, 61, 62, 63, 64, 65, 66, 68, 69, paragraph 128 (2012) – 55; voluntary pledges set forth in paragraph 98, 99 (2008); voluntary pledges set forth in paragraphs 4.10, 4.11, 4.12 (2013)

95. The GOSL has taken positive measures to protect and promote the rights of women. It ratified the Palermo Protocol[47] on 15th June 2015. The GOSL also adopted the Strategic Plan on Trafficking of Persons submitted by the Ministry of Justice in February 2016.

96. Furthermore, on 12th January 2016, the GOSL endorsed the Declaration of the Commitment to End Sexual Violence in Conflict, recognising that prevention of sexual violence in conflict is critical to peace, security and sustainable development, and reiterated its commitment to ending impunity for such crimes.

97. Several measures have been taken to combat gender-based violence (GBV) in Sri Lanka. First, Women and Children's Police Desks, staffed with female officers, have been established in Police Stations, including in the Northern and the Eastern Provinces. Specially trained police officers function at such desks to provide an efficient and effective service. This network is also linked to the NCPA. Meanwhile, GBV help desks are located in hospitals in conflict affected districts.

98. Second, the Women and Child Bureau of the Sri Lanka Police operates a hotline to receive complaints with regard to GBV, and to facilitate a prompt response to such complaints.

99. Third, in consultation with various stakeholders a new referral system with a multi-sectoral approach was introduced for better response to and prevention of GBV particularly, domestic violence.[48]

100. Fourth, a group of experts drafted amendments to the Domestic Violence Act[49], (PDVA) to strengthen the legal response to domestic violence. Moreover, a National Action Plan to address GBV was developed by MWCA and is currently being refined through a process of national consultations. Meanwhile, the Cabinet has approved the establishment of the National Women's Commission to investigate complaints into violations of rights of women.

101. These measures have facilitated the investigation and prosecution of incidents of GBV. The Sri Lanka Police investigates alleged incidents of GBV, and evidence is thereafter submitted to the Attorney-General's Department for consideration of indictments. On 7th October 2015, the Jaffna High Court convicted four members of the security forces for the rape of a woman and sexually harassing another woman in Visvamadu. Meanwhile, the PDVA provides a quasi-judicial remedy in the form of protection orders in cases of domestic violence. The Police mainly receive complaints on domestic violence. Thus police

officers have been provided training on women's rights and GBV including domestic violence.

102. Other measures to advance women's rights include vocational training of ex-combatants, measures relating to access to justice, and legislative reform. Meanwhile, gender focal points have been established in each line ministry to ensure gender responsiveness at all levels of governance and policymaking.

103. Tamil speaking female Police officers have been deployed in the Northern and Eastern provinces to facilitate women's access to law enforcement. 951 Tamil speaking police officers have been recruited, and a special mechanism has been planned for the purpose of recruiting Tamil speaking persons to the police from the Northern and Eastern Provinces. Moreover, referral services such as counselling, legal aid and providing shelter for the victims have been strengthened.

104. The NHRAP 2017-2021 contains special provisions to give effect to the rights guaranteed under CEDAW. It recommends the enactment of urgent legislative amendments to the criminal law and relevant legislation to ensure that the rights of women are safeguarded. For example, it contains action points on law reforms pertaining to medical termination of pregnancies, marital rape, discriminatory personal laws, and domestic violence.

105. Moreover, positive measures have been taken to increase the participation of women in politics. For example, the Local Authorities Elections (Amendment) Act, No. 1 of 2016 reserves 25 percent of the total number of seats in a local authority for women candidates.

106. With a view to protecting migrant workers and their families, the GOSL intends to enact new legislation in line with the Convention.[50] Furthermore, the Sri Lanka Bureau for Foreign Employment (SLBFE) provides a fully automated web-based complaint management system in respect of grievances related to foreign employment. The aggrieved parties can lodge their complaints at the Head Office or at any of the decentralised Regional Offices that have been vested with the power to summon the persons concerned, to conduct inquiries into the complaints and grant redress.

107. The Labour Sections of Sri Lanka Diplomatic Missions abroad also accept complaints directly from migrant workers. Upon receipt of complaints, the Missions take necessary action in terms of the prevailing labour laws of the receiving countries. They also maintain close official relationships with the local authorities in the said countries for the purpose of arriving at settlements with regard to complaints received. Measures have meanwhile been taken to create awareness among migrant workers' family members regarding the complaints mechanism.

Children

Recommendations set forth in paragraph 127 (2012) – 70, 71, 72, 73; voluntary pledge set forth in paragraph 97 (2008); voluntary pledges set forth in paragraphs 4.8, 4.13, 4.19 (2013)

108. The GOSL through the Ministry of Labour and Trade Union Relations has taken positive measures to eradicate child labour, and expedite cases involving allegations of child abuse and exploitation. Such measures include adoption of a list of 51 hazardous occupations or working conditions in which the employment of children is prohibited. Moreover, the employment of children under the age of fourteen years is prohibited under law. A National Policy on the Elimination of Child Labour in Sri Lanka has received Cabinet approval. An action plan is also being prepared to implement the Policy.

109. In June 2016, the President signed a pledge on 'Zero Tolerance of Child Labour' during an event held to commemorate the 'Day against child labour'. The Department of Labour is the key agency responsible for eliminating child labour.

110. Public awareness with respect to child labour has been increased through campaigns such as the 'No to Child Labour and Yes to Quality Education' campaign conducted with the support of the International Labour Organisation (ILO) in 2015. For example, child labour was successfully eradicated in the Ratnapura District, where the first child labour free zone programme was initiated. The experience in Ratnapura is being replicated in similar programmes in all 25 districts in the country.

111. With the assistance of ILO, awareness workshops were held for media personnel and police officers attached to Women and Child Affairs Desks on the zero tolerance policy on child labour.

112. Complaints received on child labour by the NCPA and directly by the Department of Labour, are investigated by Labour Officers of the Department. The work of the Department has resulted in a significant decrease in child labour in the country. Recent statistics indicate that only 1% of the estimated child population of the country (age 5–17) engage in child labour.

113. The GOSL has taken note of the challenges that prevail with respect to processing cases involving child abuse and exploitation. To fully ensure that the evidence-in-chief of child witnesses may be led in the form of video recorded evidence, measures are being taken to equip police stations and courthouses with video facilities. Meanwhile, a special High Court in Anuradhapura established to hear cases involving child abuse and exploitation expeditiously disposes of such cases.

114. Moreover, the government is currently finalising the Child Protection and Justice Bill, which proposes to repeal the Children and Young Persons Ordinance,[91] in order to conform with international standards pertaining to the best interest of the child. The Bill proposes to introduce special protections to children in conflict with the law and children in need of care and protection. The Ministry launched the 'National Partnership to End Violence Against Children' (NPEVAC) on 2nd June 2017. Sri Lanka has also volunteered its commitment to become one of twelve Pathfinder Countries to the 'Global Partnership to End Violence Against Children' (GPEVAC).[92]

Persons with disabilities

Recommendations set forth in paragraph 127 (2012) – 1, 90; voluntary pledge set forth in paragraph 111 (2008); voluntary pledge set forth in paragraph 4.15 (2013)

115. Sri Lanka ratified the CRPD in February 2016. Enabling legislation is being drafted, and will be presented for approval to the Cabinet of Ministers by the end of September 2017.

116. A number of state agencies including the Ministry of Social Empowerment and Welfare have made special provisions for persons with disabilities to access employment.

117. Public Administration Circular 1988[93] recognises the need for affirmative action to increase employment opportunities, and therefore the Ministry of Public Administration has instructed all ministries, departments and corporations to fill at least 3% of vacancies in the public service by recruiting persons with disabilities possessing the requisite qualifications, and whose disability would not be a hindrance to the performance of their duties.

118. The 2012 National Human Resources and Employment Policy recognises that persons with disabilities face challenges in accessing education, vocational training, employment, and development assistance programmes. It thus specifically provides for

specific action to assist persons with disabilities to obtain employment by, for example, creating an enabling physical environment or through incentive schemes for employers.

119. An employment database has been created by the Ministry of Labour to assist persons with disabilities to connect with prospective employers. Any person with disabilities can access the website *www.employmentforpwds.org*, and register in anticipation of an employment opportunity.

120. The Department of Social Services provides free vocational training through specialised training centres. Successful trainees receive toolkits relevant to the employment in their trained field. Moreover, self-employment assistance up to Rs. 25,000 for low-income persons with disabilities to begin a new self-employment initiative, or to enhance an existing one, is granted through the National Secretariat for persons with disabilities.

121. The Disabled Persons (Accessibility) Regulations were issued in October 2006 to enhance accessibility to all public buildings, public places, and places where common services are available.

Internally displaced persons and refugees

Recommendations set forth in paragraph 127 (2012) – 91, 92, 93, 94, 95, 96, 97, 98, 99; voluntary pledges set forth in paragraph 106, 107 (2008); voluntary pledge set forth in paragraph 4.4 (2013)

122. By the end of 2016, the GOSL resettled a total of 253,231 internally displaced families consisting of 882,392 individuals in the Northern and the Eastern Provinces in their original places of living. 35 welfare camps still house 1,608 families consisting of 5,732 persons in the Northern Province. A further 172 families consisting of 486 persons remain in welfare camps in the Eastern Province. Moreover, about 11,073 families in the Northern Province and 1,498 families in the Eastern Province live with host families and therefore remain displaced. Meanwhile, 4,870 refugees of Sri Lankan origin have returned to Sri Lanka – mainly from India.

123. A further 102,000 refugees of Sri Lankan origin remain in India. According to statistics provided by UNHCR, the total number of recognised refugees currently residing in Sri Lanka as at June 2017 is 651 persons.

124. A critical challenge faced by long term IDPs and refugees is the risk of losing their land title to secondary occupiers due to 'prescription'.[54] Therefore the law was amended and the Prescription (Special Provisions) Act of 2016[55] exempts those displaced due to the activities of any armed group from the application of prescription. Meanwhile, regulations have been issued under the Mediation (Special Categories of Disputes) Act 2003[56], to facilitate the resolution of land disputes. Jaffna, Kilinochchi, Trincomalee, Batticaloa and Anuradhapura have been gazetted as areas in which special mediation boards can operate for land mediation.

125. The relevant Ministry[57] has developed a Policy on Durable Solutions for Displaced and Persons Affected by Conflict Displacement. The Policy has received Cabinet approval. It aims to guarantee the rights of the displaced, and to promote measures to address their immediate, medium and long-term protection and assistance needs, with a view to facilitating durable solutions to their displacement.[58]

Ex-combatants

Recommendations set forth in paragraph 127 (2012) – 48, 49, 50; voluntary pledge set forth in paragraph 4.5 (2013)

126. 12,156 ex-combatants, including 594 child combatants, who surrendered to the security forces at the conclusion of the conflict in 2009, have undergone a one-year rehabilitation programme designed to assist reintegration. The strategies and activities for rehabilitation included improving their physical and mental state through spiritual, socio-physiological, personality and leadership training for six months, followed by six months of vocational and technical training.

127. The Rehabilitation Authority of Sri Lanka has granted Self-employment Loans to 1,799 ex-combatants rehabilitated in the years 2012 and 2013. A sum of Rs. 302 Million has been disbursed for this purpose. In 2017, 2,357 ex-combatants were trained under this scheme to apply for loans, and 160 applicants were given loans worth Rs 32.6 million out of 1,085 who were recommended by the Rehabilitation of Persons, Properties and Industries Authority (REPPIA). The approval of Cabinet of Ministers has also been granted to formulate a suitable mechanism to recruit 35 rehabilitated graduates under the Graduates Employment Scheme.

128. 212 out of 361 ex-combatants who sat for the GCE O/L examinations passed the examinations. 65 candidates were female ex-combatants. 37 ex-combatants meanwhile qualified for entering university in 2010 following success at the GCE A/L examinations. 29 of these candidates were female ex-combatants. Hence the process of reintegrating ex-combatants, including child and women ex-combatants, into society has seen notable progress. A total number of six ex-combatants remain to be rehabilitated, and will be released and reintegrated into society upon completion of the rehabilitation programme in December 2017. Further cases of rehabilitation are anticipated in light of the option given to suspects under the PTA to voluntarily undergo rehabilitation in lieu of prosecution.

V. Emerging issues, and support of the international community

Emerging issues

129. Several important issues pertaining to human rights have emerged since Sri Lanka's second UPR cycle in 2012. First, the global sustainable development agenda, which culminated in the SDGs, has shaped Sri Lanka's policies on human rights promotion and protection. SDG 16 is particularly relevant in this regard.[59]

130. The programmes described in this National Report contribute towards the achievement of SDG 16. A noteworthy development in this connection is the decision made by the GOSL to design, develop and implement a national policy and strategy on sustainable development and facilitate all responsible agencies to follow up and monitor the progress with regard to the 17 Sustainable Development Goals and 169 associated targets adopted by the UN in 2015. Accordingly, a draft law to provide for the development and implementation of a national policy and strategy on sustainable development was approved by the Cabinet of Ministers in July 2016. The draft Sri Lanka Sustainable Development Act will be considered by Parliament shortly.

131. Second, the issue of constitutional reform has emerged in Sri Lanka since 2012. The current constitutional reform agenda focuses on reforming the powers of the executive presidency, delivering meaningful power-sharing arrangements through the devolution of power, and improving the electoral system by moving from a proportional representation

system to a mixed system. These reforms aim to improve democratic accountability, advance the autonomy of people in governance, and enhance the right to vote. These priorities are currently reflected in the NHRAP 2017-2021.

132. Third, climate change, and its relationship to human rights, has emerged as a major priority area for the GOSL. At the 71st Session of the UN General Assembly, the President highlighted the importance of environmental sustainability. The GOSL is thus committed to integrating human rights protection and promotion into its environmental policies and disaster response strategies.

133. Pursuant to the policy decision taken by the GOSL, Sri Lanka joined the Open Government Partnership in 2015, and adopted a National Plan of Action aimed at strengthening democracy, governance, transparency, rule of law and anti-corruption.

UN cooperation and assistance

Recommendations set forth in paragraph 127 (2012) – 43, 44, 47, and paragraph 128 (2012) – 43, 44, 45, 46, 47, 48, 50, 51, 52; voluntary pledge set forth in paragraph 88 (2008); voluntary pledge set forth in paragraph 4.7 (2013)

134. The GOSL has sought and received the support of the international community and the UN. In November 2015, Sri Lanka became eligible to receive financial support from the UN Peace-building Fund's longer term Peace-building and Recovery Facility. The UN and the government have since moved forward in developing and implementing a Peace-building Priority Plan. The GOSL has sought technical support from the UN in a variety of areas including in the preparation of policies and legislation. It also plans to seek technical assistance in collecting and analysing aggregated data.

135. Cooperation between the GOSL and UN institutions and processes has increased significantly over the last two years. Apart from the historic co-sponsorship of UNHRC Resolutions 30/1 and 34/1, the GOSL has met UN treaty reporting obligations, and has cooperated with UN special procedures and the UN High Commissioner for Human Rights. The High Commissioner, Zeid Ra'ad al Hussein, visited Sri Lanka from 6th to 9th February 2016 and the Secretary-General visited in September 2016 on invitations by the GOSL. Moreover, the Special Rapporteurs on the Promotion of Truth, Justice, Reparations and Guarantees of Non-recurrence; on the Independence of Judges and Lawyers; on Torture and other Cruel, Inhuman or Degrading Treatment and Punishment; on Minority Issues; and on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism; and the UN Working Group on Enforced or Involuntary Disappearances have visited Sri Lanka in the last two years. Meanwhile, a standing invitation has been extended to all special procedures on 17th December 2015. In this context, the GOSL had agreed to the future visits of the Special Rapporteurs on the Promotion of Truth, Justice, Reparations and Guarantees of Non-recurrence, and on the Promotion and Protection of the Right to Freedom of Opinion and Expression, and the Working Group on Arbitrary Detention.

Civil Society concerns

136. Participants in public consultations acknowledged the improvements that had taken place in the overall human rights situation in Sri Lanka since January 2015. However, varied views were expressed with regard to the pace of progress, and the rate and frequency of the fulfilment of commitments made by the GOSL with respect to human rights.

137. Among the key priorities highlighted during the public consultations are: Expediting constitutional reforms and ensuring a strengthened fundamental rights chapter that provides for (i) specific rights such as the right to life and non-discrimination based on sexual orientation and gender identity, (ii) justiciable economic, social and cultural rights, (iii) the justiciability of human rights infringements by non-state actors, and (iv) regional courts with jurisdiction to hear fundamental rights applications; Strengthening safeguards with respect to due process during the arrest of suspects and effectively addressing the incidence of torture as well as undue delays in investigations, prosecutions and convictions in instances of torture; Repealing the PTA and replacing it with a law meeting international standards, and introducing key legislation to criminalise enforced disappearances; Operationalising and adequately resourcing the OMP; Ensuring justice for past violations of human rights, including attacks on journalists.

138. The key priorities also extend to: Preventing acts of violence and intimidation against religious and ethnic communities, and ensuring, effective prosecution and punishment of perpetrators of violations including hate speech and the effective implementation of the ICCPR Act; Strengthening the institutional independence of the Witness Protection Division of the Police, and raising public awareness on the procedures and remedies available under the Assistance to and Protection of Victims of Crime and Witness Act; Expediting the release of private lands in the possession of state authorities including the security forces and addressing land occupation by government departments particularly in the East; Overcoming specific challenges faced in the implementation of the official language policy: first in general public administration in accessing state services such as education, health and documentation in the language of choice, and second, in recruiting Tamil-speaking female professionals to serve at the Women & Children Desks in police stations; Overcoming specific challenges faced by women including discriminatory practices and legal provisions, increasing participation of women in politics, expediting prosecutions and convictions in cases of violence against women, implementing initiatives and reforms for vulnerable groups such as FHHs, women affected by conflict, female ex-combatants, migrant women, women belonging to minority ethnic and religious groups, and women with disabilities; Overcoming specific challenges faced by children and adolescents including vulnerability to child labour, homelessness and drug addiction.

139. Priorities relevant to specific groups ranging from increasing employment opportunities for youth in local development projects especially in the East; Overcoming specific challenges faced by persons with disabilities, including children with disabilities, in employment and education, and access to state services and basic amenities; Overcoming specific challenges faced by the *Adivasi* community (an indigenous group) in protecting and preserving their culture, language and traditions, and securing sustainable livelihoods; Overcoming specific challenges faced by communities in the Plantation Sector, particularly with regard to accessing education, healthcare, housing & language; Effectively implementing the Policy on Durable Solutions for the Displaced and Persons Affected by Conflict Displacement to address issues faced by returning IDPs and refugees with regard to land issues, livelihoods, employment, and the loss of documentation; Introducing a comprehensive policy on asylum seekers and stateless persons; To making human rights education mandatory for school children.

140. The concerns raised during these consultations are reflected in this National Report to the extent possible. The GOSL appreciates the constructive feedback offered by those who participated in the consultations, and the contribution they consequently made in the preparation of this National Report. The GOSL is mindful of the challenges before it in the promotion and protection of human rights in Sri Lanka, and reaffirms its commitment to the full realisation of human rights in the country.

Notes

[1] From the Report of the Working Group on the Universal Periodic Review, 5 June 2008, (A/HRC/8/46).

[2] The Chapter contains, *inter alia*, the freedom of thought, conscience and religion, the freedom from torture, the right to equality and non-discrimination, the freedom from arbitrary arrest, detention and punishment, and the freedoms of speech, assembly, association and movement.

[3] *Sriyani Silva v. Iddamalgoda* [2003] 2 Sri L.R. 63.

[4] Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) Act No. 22 of 1994.

[5] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

[6] The International Covenant on Civil and Political Rights Act No. 56 of 2007.

[7] For instance, section 5(2) of the ICCPR Act entrenches the 'best interests of the child' principle by providing: 'In all matters concerning children, whether undertaken by public or private social welfare institutions, courts, administrative authorities or legislative bodies, the best interest of the child shall be of paramount importance'.

[8] From the Report of the Working Group on the Universal Periodic Review, 18 December 2012 (A/HRC/22/16).

[9] Act No. 4 of 2015.

[10] The Victims of Crime and Witnesses Assistance and Protection Fund.

[11] The National Authority for the Protection of Victims of Crime and Witnesses.

[12] The Victims of Crime and Witnesses Assistance and Protection Division.

[13] Under the proposed legislation on the Rights of Persons with Disabilities, a new authority with oversight functions with respect to disability rights will be established. Moreover, a draft Bill on the International Convention for the Protection of All Persons from Enforced Disappearance received the approval of Cabinet, and will be discussed in Parliament with a view to ensuring its early enactment.

[14] Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979.

[15] The Convention on the Elimination of all Forms of Discrimination Against Women and the Convention on the Rights of the Child.

[16] However, these institutional arrangements are subject to the overall accountability and effective monitoring and reporting of the MWCA as the apex body concerned with the rights of the child.

[17] From the Report of the Working Group on the Universal Periodic Review (Addendum) – Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, 21 February 2013 (A/HRC/22/16/Add.1).

[18] These areas include (1) civil and political rights, (2) economic social and cultural rights, (3) prevention of torture, (4) women's rights, (5) child rights, (6) rights of migrant workers, (7) rights of internally displaced persons, (8) rights of persons with disabilities, (9) labour rights, and (10) environmental rights.

[19] For instance, the Parliament of Sri Lanka and the Commonwealth Parliamentary Association hosted a Commonwealth Regional Seminar on the Role of Parliamentarians in the Promotion and Protection of Human Rights in February 2016. Members of Parliament, ministers and human rights experts from Sri Lanka and other Commonwealth countries in Asia including Bangladesh, India, Pakistan and the Maldives attended the seminar.

[20] Resolutions 30/1and 34/1 titled 'Promoting reconciliation, accountability and human rights in Sri Lanka' were adopted by consensus in September 2015 and March 2017 respectively.

[21] The Policy provides direction to the process of reconciliation in the country, and steers all stakeholders working on reconciliation towards a uniform and coherent approach to national reconciliation.

[22] Consequent to a joint Cabinet Memorandum submitted by the President as the Minister of National Integration and Reconciliation, and the Minister of National Co-existence, Dialogue and Official Languages.

[23] The SCRM is currently engaged with the UN in finalising the monitoring and evaluation components of the Plan in addition to finalising the concept notes which have been developed in close coordination with key government stakeholders and UN agencies.

[24] The Chairperson of ONUR, former President Chandrika Bandaranaike Kumaratunga, chairs this Committee, and the Secretary General of the SCRM serves as the convenor of the Committee.

[25] The recommendations of the abovementioned CTF were fully considered in the drafting process.
[26] General Certificate of Education (GCE) Ordinary Level (O/L) and Advance Level (A/L) examinations.
[27] The workshops aim to train over 1,000 Development Officers in the provision of support to traumatised individuals in their respective communities.
[28] Under section 55 of the Police Ordinance, No. 16 of 1865.
[29] The Bill proposes to criminalise enforced disappearance, and to provide the families of victims with effective remedies to obtain compensation and to seek information on the whereabouts of victims.
[30] Act No. 19 of 2010.
[31] Act No. 12 of 2016.
[32] A Cabinet Sub-Committee to grant relief to media personnel who were harassed or attacked during 2005-2015 called for appeals until 1 May 2017.
[33] In 2016, 133 cultural and religious festivals were celebrated on a multi-cultural basis, with the participation of over 47,500 students in 1,009 schools in 21 districts. Similar multi-cultural and multi-religious festivals will be celebrated in 2017 to ensure that children of different ethnic and religious backgrounds appreciate the values and customs of their compatriots.
[34] The Plan was prepared to allow inclusive and sustainable peace and development, co-existence and reconciliation through the three pillars of ethics, education and empowerment.
[35] The Ministry of National Co-existence, Dialogue and Official Languages has completed conversational workshops for secretaries of ministries, district secretariats (25 districts) and divisional secretariats (331 divisions) and for heads of the local government institutions.
[36] Section 120 (5) of No. 5 of 2015 provides: 'The Pharmacist shall when dispensing the medicine, medical device or borderline product provide the customer with a description of such medicine, medical device or borderline product, in the language requested for by such customer.'
[37] Education Ordinance, No. 31 of 1939.
[38] The Plan was formulated in consultation with national level education agencies and the Provincial Education Authorities (PEAs). It is a comprehensive plan based on national education policies, international commitments, government policy declarations on education, and the concerns of PEAs.
[39] Ministry of Education developed the Child Friendly Guidelines in collaboration with the Australian Government and UNICEF.
[40] The Ministry of Education allocates 10% of its budget for subsidies to provide free textbooks to all students from grade 1 to grade 11. Furthermore, vouchers for school uniform material are provided to all students. 72,480 bursaries are meanwhile provided to children of low-income families to enhance access to secondary education. Additionally, school nutrition programmes are implemented in approximately 8,023 focus schools in underprivileged areas.
[41] Budgetary provisions have been allocated to construct 8,000 housing units in the Northern and Eastern provinces to meet the immediate and urgent requirements. Further, 1,000 partially damaged houses will be repaired in the Northern and the Eastern provinces. This programme will provide IDPs and refugee returnees with affordable and appropriate housing solutions with social infrastructure and livelihood protection.
[42] Accordingly, a Bureau directly under the President has been established to coordinate the state and private sectors as well as the public in the reduction of poverty and in the implementation of a community-driven collaborative rural development approach.
[43] The plans were drafted in consultation with the district secretaries, development agencies and community leaders.
[44] The model farm in Kilinochchi is under the supervision of the University of Jaffna and the Hambantota farm is under the supervision of the University of Ruhuna.
[45] Additionally, the Ministry of Rural Economy has developed projects to support livestock farming, which plays a major role in alleviating poverty and increasing the nutritional level of rural communities. Several livestock projects are being implemented island-wide, in collaboration with the Provincial Department of Animal Production and Health, to promote and upgrade dairy, goat, sheep, swine and poultry farming. The GOSL has also played a facilitating role by establishing livestock farmer training centres in Kilinochchi and Vavuniya in the Northern Province and at Uppuveli and Batticaloa in the Eastern Province.
[46] The Plan was prepared by the Ministry of Labour in collaboration with the Ministry of Health. The policy applies to all sectors including agriculture, industry, construction, tourism and transport.

[47] The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol).

[48] Meetings were held with law enforcement officers, medical personnel, health care workers, village leaders and representatives from schools to review the GBV response mechanisms.

[49] Prevention of Domestic Violence Act No. 34 of 2005.

[50] International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. New legislation titled Sri Lanka Employment Migration Authority Act seeks to set up an authority on Migration that would provide a more expanded role for the SLBFE. The new legislation would provide for the establishment of a National Chamber of Licensed Foreign Employment Agencies and the setting up of a Foreign Employment Promotion Fund.

[51] Children and Young Persons Ordinance, Act No. 48 of 1939.

[52] As a Pathfinder Country, Sri Lanka has pledged to develop and implement a new strategy in line with the SDG 2030 agenda in order to deliver the vision of a world where all children grow up free from violence and exploitation.

[53] Public Administration Circular No. 27/88 of 18 August 1988.

[54] The loss of legal entitlement to one's land due to the adverse possession of such land by another party over a period of ten years.

[55] Act No. 5 of 2016.

[56] Act No. 21 of 2003.

[57] The Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs.

[58] The Policy delineates the roles and responsibilities of relevant government institutions and their national and international partners, describes the challenges that must be addressed as a matter of urgency, sets out a process for monitoring implementation of the Policy, and provides for redress through grievance mechanisms.

[59] SDG 16 is relevant, as it aims to 'promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.' The SDG contains targets specifically relevant to human rights, such as: (a) Ensuring public access to information and protecting fundamental freedoms, in accordance with national legislation and international agreements; and (b) Strengthening relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.

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Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. In 2016, the Committee against Torture recommended that Sri Lanka consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[3] It also recommended that Sri Lanka consider ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.[4]

3. In 2016, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Sri Lanka ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).[5]

4. In 2016, the Committee on the Elimination of Racial Discrimination encouraged Sri Lanka to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).[6]

5. The Working Group on Enforced or Involuntary Disappearances recommended that Sri Lanka recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction, in accordance with article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance.[7]

6. The United Nations country team in Sri Lanka noted that, in 2015, Sri Lanka had extended a standing invitation to all special procedure mandate holders.[5]

7. Sri Lanka made financial contributions to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2012, 2013, 2014 and 2017.[6]

III. National human rights framework[7]

8. The United Nations country team highlighted that Sri Lanka had taken several steps to pass legislation aimed at ensuring increased transparency and independence of institutions, including the Right to Information Act and the nineteenth amendment to the Constitution, which gave effect to the appointment of a Constitutional Council that nominated members of independent commissions and recommended appointments to other high-level government positions with the objective of depoliticizing the public service and limiting the powers of the President.[8]

9. The United Nations country team noted that, in October 2015, new commissioners had been appointed to the National Human Rights Commission by the Constitutional Council, and that proposed amendments to the Human Rights Commission Act to strengthen the implementation of recommendations issued were yet to materialize.[9]

10. The United Nations country team also noted that an interministerial committee had been appointed to implement the National Human Rights Action Plan (2011-2016) but the lack of a dedicated Ministry to expedite action had resulted in challenges for follow-up. A new national human rights action plan for the period 2017-2022 had been drafted in 2016 in consultation with civil society. However, the revised draft that had been finalized by the Cabinet had reportedly led to the removal of key action points relating to decriminalization of same-sex relations, the vagrancy ordinance and access to health-care services for people living with HIV.[10]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[11]

11. In 2014, the Human Rights Committee expressed concern about discriminatory provisions against women in domestic legislation, including on rights of succession with respect to land permits and grants, and the disposal of immovable property. It recommended that Sri Lanka guarantee equality between men and women by undertaking a comprehensive review of its domestic laws, including those that governed rights of succession with respect to land permits and grants, the disposal of immovable property and the absence of a minimum age for marriage under Muslim law.[12]

12. The Committee on Economic, Social and Cultural Rights expressed concern that discrimination against lesbian, gay, bisexual, transgender and intersex persons was widespread, including in law enforcement, employment, health care, housing and education, and that lesbian, gay, bisexual, transgender and intersex persons had been subjected to threats and attacks on social media on the basis of their sexual orientation or gender identity.[13]

2. Development, the environment, and business and human rights[14]

13. With respect to privately owned estates, the Special Rapporteur on minority issues, recalling the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, underscored the responsibility of

private companies to respect human rights, which was complementary to the responsibilities of the Government.[16]

14. The Committee on Economic, Social and Cultural Rights was concerned about the extensive use of agrochemicals in Sri Lanka and recommended that Sri Lanka urgently address the extensive use of agrochemicals, take steps to enforce the ban on glyphosate in all sectors, expand the ban to cover all agrochemicals that adversely affected the health of the population and the environment, and carry out effective and frequent inspections.[17]

3. Human rights and counter-terrorism[18]

15. The Working Group on Enforced or Involuntary Disappearances recommended that Sri Lanka immediately repeal the Prevention of Terrorism Act and replace it with legislation that was in conformity with its international obligations.[21] The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment recommended that Sri Lanka review draft legislation to replace the Prevention of Terrorism Act (acts on national security, State intelligence services and prevention of organized crimes) to ensure safeguards against arbitrary arrest and torture or cruel, inhuman or degrading treatment, provisions for access to legal counsel from the moment of deprivation of liberty, strong judicial overview of law enforcement and security agencies and protection for the privacy rights of citizens, and that there was a timely, robust and transparent national debate on the bills that was inclusive of all civil society.[22]

B. Civil and political rights

1. Right to life, liberty and security of person[23]

16. The Special Rapporteur on torture recommended that capital punishment be abolished or, as a minimum, all death sentences be commuted to prison sentences.[24]

17. He noted that torture and ill-treatment, including of a sexual nature, still occurred, in particular in the early stages of arrest and interrogation, often for the purpose of eliciting confessions, and that the gravity of the mistreatment inflicted increased for those who were perceived to be involved in terrorism or offences against national security. The police resorted to forceful extraction of information or coerced confessions rather than carrying out thorough investigations using scientific methods.[25]

18. The Committee against Torture remained seriously concerned that torture was a common practice carried out in relation to regular criminal investigations in a large majority of cases by the Criminal Investigation Department of the police, regardless of the nature of the suspected offence.[26]

19. The Committee noted with concern that the practice of so-called "white van" abductions of Tamils had continued in the years following the end of the armed conflict. It also noted that people suspected of having even a remote link with the Liberation Tigers of Tamil Eelam had been abducted and subjected to brutal torture, including sexual violence and rape of men and women by the military and the police in unacknowledged places of detention. It urged Sri Lanka to ensure that all allegations of unlawful detention, torture and sexual violence by security forces were promptly, impartially and effectively investigated by an independent body, and to close down any unofficial detention centres and ensure that no one was detained therein.[27]

20. The Committee urged Sri Lanka to immediately embark upon an institutional reform of the security sector and develop a vetting process to remove from office military and security force personnel at the higher and lower ranks, as well as any other public officials, where there were reasonable grounds to believe that they had been involved in human rights violations.[28]

21. The Special Rapporteur on torture noted that conditions of detention amounted to cruel, inhuman or degrading treatment owing to severe overcrowding, insufficient ventilation, excessive heat and humidity, and the denial of adequate access to health care, education, vocational training and recreational activities.[29] The Committee against Torture

urged Sri Lanka to reduce overcrowding in prisons by making more use of alternatives to incarceration. It recommended that Sri Lanka improve detention conditions, strengthen reintegration and rehabilitation activities, improve medical facilities in prisons and ensure the swift transfer of patients to the national hospital in cases of emergencies and serious illnesses.[30]

22. The Working Group on Enforced or Involuntary Disappearances recommended that the Government take decisive action and give clear orders at the highest level to stop surveillance, threats, intimidation, harassment, including sexual harassment, and abuses against relatives of disappeared persons and those acting on their behalf.[31]

23. The Human Rights Committee was concerned at reports of intimidation and harassment, including physical attacks, death threats, administrative detention and politically motivated charges, by State officials against journalists, lawyers, clergymen, members of non-governmental organizations (NGOs), human rights defenders and opposition politicians. It recommended that Sri Lanka refrain from taking any measures amounting to intimidation or harassment against persons exercising their right to freedom of expression, investigate all cases of threats and attacks against journalists, lawyers, clergymen, political activists, members of NGOs and human rights defenders, hold the perpetrators accountable and provide effective remedies to victims.[32] The Committee against Torture had similar concerns and made similar recommendations.[33]

24. The Committee on the Elimination of Racial Discrimination emphasized that women were particularly vulnerable to certain forms of racial discrimination, such as sexual violence during armed conflict. It recommended that Sri Lanka ensure the protection of women in the post-conflict period, ensure that any victims of violations had access to complaint mechanisms and judicial remedies and that reported cases were investigated and suspected perpetrators prosecuted.[34]

25. The Human Rights Committee was concerned about allegations of sexual violence against women in the context of detention, resettlement and other situations that required contact with security forces. It recommended that Sri Lanka thoroughly investigate allegations of sexual violence by the security forces and ensure that perpetrators were prosecuted and punished, and that victims were adequately compensated.[35]

26. The Committee on the Elimination of Racial Discrimination was alarmed by reports of hate speech, incitement to violence and violent attacks, including riots, against ethnic and ethno-religious minority groups, which had resulted in deaths, injuries and destruction of property. It recommended that Sri Lanka protect the safety and security of ethnic and ethno-religious minorities and their places of worship and adopt comprehensive legislation on hate speech that prohibited ideas based on racial superiority and hatred, incitement to racial hatred, acts of violence against any race or groups of persons of another colour or ethnic origin, and incitement to such acts.[36]

27. The United Nations country team noted that despite the welcomed steps taken towards demilitarization, such as the removal of checkpoints, the military presence in the North and East regions remained heavy and a culture of surveillance and intimidation and harassment in certain instances persisted.[37]

2. Administration of justice, including impunity, and the rule of law[38]

28. The Special Rapporteur on the independence of judges and lawyers recommended that the Constitution clearly and expressly recognize the fundamental principle of the separation of powers, establish checks and balances and guarantee the independence of the judiciary and the courts, as well as of the legal profession.[39] She also recommended that the selection and appointment of judges to both the superior and first instance courts be transparent at all stages and follow clear recruitment criteria, including technical requirements.[40]

29. The Special Rapporteur further recommended that the authorities adopt special measures to ensure that persons in particularly vulnerable situations, such as children, people living in remote areas and victims of sexual violence, had meaningful access to the

justice system and other complaint procedures, including the provision of qualified legal aid.[41]

30. The Committee against Torture was concerned about the broad police powers that allowed it to arrest suspects without a court warrant. It called on Sri Lanka to make legislative amendments requiring the police to obtain an arrest warrant issued by a judicial authority in order to conduct an arrest. It also recommended that Sri Lanka ensure that detainees were registered and brought before a judge within 48 hours.[42]

31. The Committee urged Sri Lanka to expedite the establishment of a judicial mechanism with a special counsel to investigate allegations of torture, enforced disappearances and other serious human rights violations that included independent judicial and prosecutorial institutions led by individuals known for their integrity and impartiality at the national and international level.[43]

32. It urged Sri Lanka to amend the draft Code of Criminal Procedure Act in order to ensure, in law and in practice, that all detainees were afforded all fundamental legal safeguards from the outset of the deprivation of liberty, including the rights to prompt access to a lawyer, to notify a relative or another person of his or her place of detention and to challenge, any time during the detention, the legality or necessity of it before a magistrate and to receive a decision without delay.[44]

33. The United Nations country team noted that levels of impunity were particularly high with respect to certain offences, for instance, sexual violence, and that the 2015 Grave Crimes Abstract reflected only one rape conviction in 2015.[45]

34. The Working Group on Enforced or Involuntary Disappearances highlighted that the challenge facing the Government was to transform its promises into a concrete, comprehensive, legitimate and participatory framework aimed at securing the rights to truth, justice, reparation and memory, and guarantees of non-repetition for the families of the disappeared and Sri Lankan society as a whole, in the context of a reconciliation process.[46]

35. It also noted that the victims of enforced disappearances had very little faith in the justice system, the prosecution services, the police or the armed forces. The chronic pattern of impunity still existed with regard to cases of enforced disappearance.[47] It recommended that the Government establish a judicial accountability mechanism that integrated international judges, prosecutors, lawyers and investigators;[48] carry out all investigations, prosecutions and judicial proceedings in accordance with the principle of due diligence, taking into account the complexity of the enforced disappearances, the context in which they occurred and the patterns that explained why the events occurred, and ensure that there were no omissions in the gathering of evidence or in the development of lines of investigation;[49] and develop, as a matter of urgency, a national reparations policy taking into account the specific needs of women and children and make adequate provisions for it in the State budget.[50]

36. The Special Rapporteur on the independence of judges and lawyers recommended that comprehensive measures be urgently adopted to address impunity; those measures should not be limited to the transitional context, but should be aimed at the whole justice chain. She also recommended that the authorities take concrete measures to implement Human Rights Council resolution 30/1 and the recommendations contained in the report of the Office of the United Nations High Commissioner for Human Rights on its investigation on Sri Lanka, in particular those related to fighting impunity and ratifying the Rome Statute of the International Criminal Court.[51]

37. The Committee on the Elimination of Racial Discrimination welcomed the current truth and reconciliation efforts, with a four-pronged approach that included non-recurrence, right to truth, right to justice and reparations. It encouraged Sri Lanka to include representatives of all ethnic and ethno-religious groups, including women from those groups, in the shaping and implementation of transitional justice processes.[52]

38. It was concerned that groups or individuals inciting violence and undertaking violent attacks against ethnic and ethno-religious minorities were not held accountable. It

recommended that Sri Lanka prosecute perpetrators of hate speech, incitement to violence and hate crimes so as to deter further crimes and prevent impunity of perpetrators.[53]

39. It also recommended that Sri Lanka ensure that cases of human rights violations committed during the conflict and in its aftermath were investigated, perpetrators were prosecuted and proper redress was provided to victims.[54]

40. The Committee against Torture recommended that Sri Lanka combat impunity for the crime of enforced disappearance, in particular by ensuring that all cases of enforced disappearance and torture, including those that had taken place at the Trincomalee Navy Camp, were thoroughly, promptly and effectively investigated by an independent mechanism, suspects were prosecuted, those found guilty were punished and those who had suffered harm as a direct result of enforced disappearance were granted fair compensation. It also recommended that Sri Lanka ensure that the Office of Missing Persons was equipped with the technical capacity required to conduct exhumations.[55] The Human Rights Committee made similar recommendations.[56]

41. The Special Rapporteur on torture recommended that the Government strengthen the Assistance to and Protection of Victims of Crime and Witnesses Act No. 4 of 2015 to make the national authority set up under the Act an independent and accountable agency that was not managed only by the police, but subjected to judicial oversight, and ensure that its jurisdiction extended to protect victims of trafficking who, like victims of torture and sexual violence, also had a real fear of reprisals.[57]

42. The United Nations country team highlighted that delays in the justice system were recurrent. Cases concerning children, particularly crimes against children, took an average of six years for indictment. It noted that national legislation did not contain provisions granting children in the juvenile justice system the right to legal representation.[58]

43. The Special Rapporteur on torture recommended that the Government raise the age of criminal responsibility to one that was internationally acceptable and ensure the separation of juvenile and adult detainees, and that children were held in detention only as a last resort and for as short a time as possible.[59]

3. Fundamental freedoms and the right to participate in public and political life[60]

44. The United Nations country team noted continued discrimination as some State actors continued to be complicit in violations of freedom of religion.[61]

45. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that defamation was considered a criminal offence under section 479 of the Penal Code and recommended that Sri Lanka decriminalize defamation and place it within a civil code that was in accordance with international standards.[62]

46. UNESCO highlighted that, since 2008, it had recorded the killings of two journalists and urged the Government to continue to investigate their cases and to voluntarily report to it on the status of the judicial follow-up.[63]

47. The United Nations country team noted that a number of exiled journalists had been able to return to the country since 2015. However, in practice, a number of laws and regulations restricted the right to freedom of expression, including the Official Secrets Act, counter-terrorism legislation and laws on defamation and contempt of court.[64]

48. The United Nations country team noted concerns with regard to a number of student protests that had been met with aggressive crowd control practices by the police.[65] It also noted reports that new laws would be enacted with regard to protests.[66]

49. The Human Rights Committee was concerned about the low rate of participation by women in political and public life, perpetuated by the persistence of stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life.[67]

50. The Committee on Migrant Workers urged Sri Lanka to ensure the implementation of the right to vote for Sri Lankan migrant workers residing abroad, and to facilitate the exercise of the right to vote by Sri Lankan nationals residing and working abroad, in the presidential and parliamentary elections to be held in 2020.[68]

4. Prohibition of all forms of slavery

51. While welcoming the 2015-2019 strategic plan to monitor and combat human trafficking, the Committee on Migrant Workers was concerned about the lack of effective measures to protect victims and to provide them with effective remedies, including compensation and rehabilitation. It was also concerned about the low rate of prosecution and insufficient punishment of perpetrators. It recommended that Sri Lanka prevent, suppress and punish trafficking in persons and investigate allegations of trafficking in persons, prosecute and, if convicted, punish those responsible, as well as provide protection, assistance and compensation to all victims.[69]

5. Right to privacy and family life[70]

52. The Human Rights Committee remained concerned at the continued applicability of sections 365, 365A and 399 of the Penal Code to criminalize lesbian, gay, bisexual, transgender and intersex persons and the widespread discrimination and stigmatization of persons on the basis of their sexual orientation and gender identity. It recommended that Sri Lanka amend its Penal Code and consider amending article 12 of its Constitution to explicitly state that sexual orientation and gender identity were prohibited grounds for discrimination. It also recommended that Sri Lanka strengthen measures to protect against violations of the rights of lesbian, gay, bisexual, transgender and intersex persons as well as strengthen awareness-raising and training on their rights.[71]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work

53. The United Nations country team noted that the right to work was not explicitly recognized in the Constitution except as freedom to engage in a lawful occupation or profession, which included the right to engage in trade union activities,[72] and that the Termination of Employment (Special Provisions) Act specified that no person could be terminated from his services other than through his consent or by an application made to the Commissioner of Labour. Termination on the disciplinary grounds could be challenged before the Labour Tribunal.[73]

54. The Committee on the Elimination of Racial Discrimination recommended that Sri Lanka assist women heads of households in gaining access to employment and basic services to improve their socioeconomic condition.[74]

55. The Committee on Migrant Workers recommended that Sri Lanka create income-generating opportunities for women, including in rural areas, and prevent domestic violence in order to make migration a choice, not a necessity.[75]

56. It also recommended that Sri Lanka put in place a comprehensive, gender-responsive, fair recruitment policy with high standards; ensure that recruitment agencies improved the services they offered; hold those agencies accountable for the non-execution of their duties; regulate irregular subagents and brokers and sanction unlicensed agencies; and regularly update the recruitment agency blacklist and make it public.[76]

57. The Committee was concerned that recruitment agencies were not women-friendly and 60 per cent of licensed recruitment agencies were located in the Colombo district and thus not easily accessible to those living in rural areas. It recommended that Sri Lanka oblige recruitment agencies to assign, upon request, female staff members to manage the recruitment of female domestic workers and make licensed recruitment agencies more easily accessible in order to reduce informal networks and reliance on brokers, including in rural districts.[77]

2. Right to social security[78]

58. The Committee on Economic, Social and Cultural Rights was concerned that the allowances of the main social assistance programme, *Samurdhi*, were insufficient and that mandatory deductions were imposed, such as in the case of savings, which lowered the

allowances paid. It recommended that Sri Lanka reform the social protection system and ensure universal social security coverage and sufficient benefits for all persons, including those from the most disadvantaged and marginalized groups.[79]

3. Right to an adequate standard of living[80]

59. The United Nations country team expressed concern about large-scale evictions under the Urban Regeneration Programme instituted by the previous Government and the subsequent relocation of low-income families away from the city centre.[81]

4. Right to health

60. The United Nations country team noted concerns regarding access to good quality health care and medical treatment. Private health care was reportedly costly and lacked regulation.[82]

61. The United Nations country team also expressed concern about the lack of availability of youth-friendly health services for adolescents and the lack of access to professional mental health care in the context of post-war reconciliation. It was also concerned that doctors and other medical staff were often unaware of and insensitive to the health needs of lesbian, gay, bisexual and transgender people.[83]

5. Right to education[84]

62. The United Nations country team noted concerns by university academics and students regarding the deterioration of academic freedom and university autonomy. It also noted that young people often did not have access to accurate and youth-friendly sexual and reproductive health information and that sexual and reproductive health and rights education through the formal school system was limited.[85]

D. Rights of specific persons or groups

1. Women[86]

63. The United Nations country team noted that a multisectoral and comprehensive national action plan to end sexual and gender-based violence had been formally launched in 2016 and individual action plans had been formulated by nine sectoral ministries.[87]

64. While welcoming the adoption of the Prevention of Domestic Violence Act, the Human Rights Committee was concerned about the persistence of sociocultural values that condoned domestic violence, resulting in such violence remaining widespread and subject to impunity. It recommended that Sri Lanka adopt specific legislation that explicitly prohibited domestic violence and marital rape, regardless of judicial acknowledgement of separation, and ensure that cases of domestic violence and marital rape were thoroughly investigated, perpetrators were prosecuted and punished, and victims were adequately compensated.[88]

65. The United Nations country team noted that the Muslim Marriage and Divorce Act of 1951 and the Qazi Courts contained discriminatory practices that included child marriage, unfair divorce practices, marital rape, polygamy and limited access.[89]

66. The Special Rapporteur on the human rights of migrants recommended that Sri Lanka withdraw the circular issued by the Ministry of Foreign Employment Promotion and Welfare in January 2014 in order to respect women's freedom of movement.[90]

2. Children[91]

67. The United Nations country team stated that discrimination against children based on ethnic and economic bases persisted, most particularly among minorities in estate areas, children in remote rural areas, refugee and asylum-seeking children, children of overseas workers, children in institutional care and children with disabilities.[92]

68. The United Nations country team noted that an estimated 600 children were still considered missing and that little action had been taken to independently investigate those cases.[93]

69. While noting that violence against children and corporal punishment had been legally prohibited in schools and judicial corporal punishment, called "whipping", had been outlawed in 2005, the Human Rights Committee noted with concern that corporal punishment continued to be accepted and practised as a form of discipline by parents and guardians. It recommended that Sri Lanka put an end to corporal punishment in all settings, encourage non-violent forms of discipline as alternatives and conduct public information campaigns to raise awareness about the harmful effects of such punishment.[94]

70. The United Nations country team expressed concern that children of asylum seekers did not have access to public schools while their refugee claims were being processed, which might take up to two years. The inability to access public education hampered their rights and undermined the potential for appropriate child development.[95]

3. Persons with disabilities[96]

71. The United Nations country team stated that persons with disabilities faced significant challenges in their daily lives as there were no policies and practices that promoted and protected their right to be included in the community, to study in the mainstream education system and to receive timely and quality health- and social-care services. It also noted that the current certification and registration of disabilities started at the age of 5, which effectively left thousands of children with disabilities out of reach of the social financial transfers and other benefits.[97]

4. Minorities and indigenous peoples

72. The Special Rapporteur on minority issues recommended that particular attention be paid to the effective participation of minorities in decision-making, equality in access to economic and social opportunities and the constructive development of practices and institutional arrangements to accommodate ethnic, linguistic and religious diversity within society.[98]

73. She also recommended that the Government establish an independent commission on minorities under the Constitution, with a clear mandate, powers, resources and autonomy and a diverse workforce that included representatives of minority communities.[99]

5. Migrants, refugees, asylum seekers and internally displaced persons[100]

74. The Special Rapporteur on migrants recommended that Sri Lanka ensure that its legislation, including the draft Employment Migrant Authority Act, was fully in line with international human rights standards.[101]

75. He also recommended that Sri Lanka, inter alia, enhance the regulation and monitoring of the recruitment industry, by putting in place a comprehensive recruitment policy with high standards, ensuring that recruitment agencies improved the services they offered, holding them accountable for the non-execution of their duties, regulating irregular subagents/brokers and sanctioning unlicensed agencies.[102]

76. He further recommended that the Government detain migrants in an irregular situation only as a measure of last resort and for as short a period as possible, and systematically apply alternatives to detention, particularly for families and children, who should never be detained.[103]

77. The Committee on Migrant Workers recommended that Sri Lanka guarantee all migrant workers, including those in an irregular situation, the right to take part in trade union activities and to join trade unions freely.[104]

78. The United Nations country team highlighted that the number of Sri Lankan refugees abroad, particularly in India, remained significant and the Government's support to their voluntary repatriation continued to be essential as the problems relating to access to

land, housing, water and sanitation and civil documentation and reinstatement of nationality continued to hamper reintegration efforts.[105]

79. The United Nations country team stated that, in the absence of a national asylum framework, asylum seekers and refugees were treated as irregular immigrants and might be subjected to arrest, detention and deportation under the Immigrants and Emigrants Act. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that, while the present Government ensured minimum necessary asylum space and tolerated asylum seekers and refugees on its territory, the previous Government, in a bid to curtail the growing number of foreigners in the country, had arbitrarily arrested, detained and deported large numbers of asylum seekers and refugees, in breach of the principle of non-refoulement.[106]

80. It highlighted that refugees and asylum seekers were susceptible to arrest and detention if they engaged in any income-generating activities. Access to education and employment by refugees and asylum seekers was important for their dignified stay in the country. Not only would it reduce their dependency on very limited support from remittances and private charities, but it would also allow them to contribute to the society that provided them with necessary protection.[107] In that connection, UNHCR recommended that Sri Lanka provide asylum seekers and refugees access to the labour market and to education services that were available nationally.[108]

81. The United Nations country team noted that the Government had embarked upon a process to return land that had been occupied by the military. However, the slow pace of release was a concern. It also noted that, although housing assistance was provided, livelihood grants were limited and the return package had shrunk. It highlighted that agricultural lands needed to be returned in order for internally displaced persons to be able to resume their normal lives and livelihood opportunities.[109]

82. The United Nations country team highlighted that some internally displaced persons and refugee returnees remained unable to achieve durable solutions as a result of landlessness. In that regard, it expressed concern about ad hoc amendments to land laws, including the Land Acquisition Act, and emphasized the need for settlement of land disputes over militarization or post-war development in consultation with public officers, affected communities and land rights advocates.[110] UNHCR recommended that Sri Lanka review national land legislation, policies and administrative practices with a view to effectively addressing the needs for durable solutions of internally displaced persons and refugee returnees, in particular those who never had access to State land.[111]

6. Stateless persons

83. UNHCR noted that the Government had undertaken progressive legislative reforms to provide citizenship to stateless populations. It also stated that analyses of the citizenship legislation indicated that statelessness might also persist because the Government did not automatically provide citizenship to children born in its territory, who would otherwise be stateless.[112]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Sri Lanka will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/LKIndex.aspx.

[2] For relevant recommendations, see A/HRC/22/16, paras. 127.1-127.4, 127.43-127.44, 127.47, 127.51, 127.60, 128.1-128.18, 128.43-128.52, 128.71 and 128.82.

[3] See CAT/C/LKA/CO/5, para. 36. See also CERD/C/LKA/CO/10-17, para. 31.

[4] See CAT/C/LKA/CO/5, para. 44 (d).

[5] See CMW/C/LKA/CO/2, para. 53.

[6] See CERD/C/LKA/CO/10-17, para. 31.

[7] See A/HRC/33/51/Add.2, para. 78 (a).

[8] United Nations country team submission to the universal periodic review of Sri Lanka, p. 2.

[9] OHCHR, "Funding" in *OHCHR Report 2012*, p. 117, "Funding" in *OHCHR Report 2013*, p. 131, "Funding" in *OHCHR Report 2014*, p. 63, and *OHCHR Report 2017* (forthcoming).

[10] For relevant recommendations, see A/HRC/22/16, paras. 127.5-127.42, 127.45-127.46, 127.53-127.54, 127.80-127.81, 127.83-127.84, 127.86-127.87, 127.91, 128.26, 128.32, 128.35, 128.41, 128.56, 128.58 and 128.83.
[11] Country team submission, p. 2.
[12] Ibid., p. 2. See also A/HRC/35/31/Add.1, para. 142.
[13] Country team submission, p. 2.
[14] For relevant recommendations, see A/HRC/22/16, paras. 127.55-127.56, 127.67 and 128.53.
[15] See CCPR/C/LKA/CO/5, para. 7.
[16] See E/C.12/LKA/CO/5, para. 17.
[17] For relevant recommendations, see A/HRC/22/16, paras. 127.100-127.102 and 127.105-127.109.
[18] See A/HRC/34/53/Add.3, para. 82.
[19] See E/C.12/LKA/CO/5, paras. 61-62.
[20] For the relevant recommendation, see A/HRC/22/16, para. 127.110.
[21] See A/HRC/33/51/Add.2, para. 78 (e). See also A/HRC/35/31/Add.1, para. 134.
[22] See A/HRC/34/54/Add.2, paras. 116 (a)-(b).
[23] For relevant recommendations, see A/HRC/22/16, paras. 127.74, 128.19-128.23, 128.59-128.69, 128.73, 128.76 and 128.94.
[24] See A/HRC/34/54/Add.2, para. 116 (g).
[25] Ibid., para. 110.
[26] See CAT/C/LKA/CO/5, para. 9. See also country team submission, p. 5.
[27] See CAT/C/LKA/CO/5, paras. 11 and 12. See also CCPR/C/LKA/CO/5, para. 16.
[28] See CAT/C/LKA/CO/5, para. 14.
[29] See A/HRC/34/54/Add.2, para. 112.
[30] See CAT/C/LKA/CO/5, para. 36.
[31] See A/HRC/33/51/Add.2, para. 77.
[32] See CCPR/C/LKA/CO/5, para. 21.
[33] See CAT/C/LKA/CO/5, paras. 39-40.
[34] See CERD/C/LKA/CO/10-17, para. 28.
[35] See CCPR/C/LKA/CO/5, para. 9.
[36] See CERD/C/LKA/CO/10-17, paras. 16 and 17.
[37] Country team submission, p. 5.
[38] For relevant recommendations, see A/HRC/22/16, paras. 127.48, 127.52, 127.59, 127.75-127.79, 127.85, 127.103, 128.25, 128.29-128.31, 128.33-128.34, 128.36-128.38, 128.40, 128.42, 128.54, 128.57, 128.70, 128.72, 128.74, 128.77-128.82, 128.84-128.86 and 128.88-128.90.
[39] See A/HRC/35/31/Add.1, para. 102.
[40] Ibid., para. 105.
[41] Ibid., para. 139.
[42] See CAT/C/LKA/CO/5, paras. 9-10.
[43] Ibid., para. 16.
[44] Ibid., para. 28.
[45] Country team submission, p. 4.
[46] See A/HRC/33/51/Add.2, para. 70.
[47] Ibid., para. 72.
[48] Ibid., para. 83 (a).
[49] Ibid., para. 83 (i).
[50] Ibid., para. 84 (a).
[51] See A/HRC/35/31/Add.1, paras. 144-145.
[52] See CERD/C/LKA/CO/10-17, paras. 29-30.
[53] Ibid., paras. 16-17.
[54] Ibid., paras. 29-30. See also CAT/C/LKA/CO/5, para. 16.
[55] See CAT/C/LKA/CO/5, para. 24.
[56] See CCPR/C/LKA/CO/5, para. 15.
[57] See A/HRC/34/54/Add.2, para. 119 (j).
[58] Country team submission, p. 4.
[59] See A/HRC/34/54/Add.2, paras. 118 (n)-(o).
[60] For relevant recommendations, see A/HRC/22/16, paras. 127.57, 128.27, 128.85, 128.87 and 128.91.
[61] Country team submission, p. 6.
[62] See UNESCO submission to the universal periodic review of Sri Lanka, paras. 5 and 18.
[63] Ibid., paras. 11 and 19
[64] Country team submission, p. 6.
[65] Ibid.
[66] Ibid.
[67] See CCPR/C/LKA/CO/5, para. 7.

[68] See CMW/C/LKA/CO/2, paras. 44-45.
[69] Ibid., paras. 58-59.
[70] For the relevant recommendation, see A/HRC/22/16, para. 128.24.
[71] See CCPR/C/LKA/CO/5, para. 8. See also E/C.12/LKA/CO/5, paras. 17-18.
[72] Country team submission, p. 7.
[73] Ibid.
[74] See CERD/C/LKA/CO/10-17, para. 28.
[75] See CMW/C/LKA/CO/2, para. 53.
[76] Ibid., paras. 54-55.
[77] Ibid.
[78] For the relevant recommendation, see A/HRC/22/16, para.128.92.
[79] See E/C.12/LKA/CO/5, paras. 35-36.
[80] For relevant recommendations, see A/HRC/22/16, paras. 127.58, 127.88 and 127.104.
[81] Country team submission, p. 8.
[82] Ibid., p. 9.
[83] Ibid.
[84] For the relevant recommendation, see A/HRC/22/16, para. 127.89.
[85] Country team submission, p. 10.
[86] For relevant recommendations, see A/HRC/22/16, paras. 127.61-127.66, 127.68-127.69, 128.28 and 128.55.
[87] Country team submission, p. 13.
[88] See CCPR/C/LKA/CO/5, para. 9.
[89] Country team submission, p. 13.
[90] See A/HRC/29/36/Add.1, para. 78 (cc).
[91] For relevant recommendations, see A/HRC/22/16, paras. 127.49-127.50 and 127.70-127.73.
[92] Country team submission, p. 13.
[93] Ibid., p. 14.
[94] See CCPR/C/LKA/CO/5, para. 19. See also A/HRC/34/54/Add.2, para. 116 (k).
[95] Country team submission, p. 12.
[96] For the relevant recommendation, see A/HRC/22/16, para. 127.90.
[97] Country team submission, p. 10.
[98] See A/HRC/34/53/Add.3, para. 62.
[99] Ibid., para. 66.
[100] For relevant recommendations, see A/HRC/22/16, paras. 127.92-127.99 and 128.93.
[101] See A/HRC/29/36/Add.1, para. 78 (b).
[102] Ibid., para. 78 (j).
[103] Ibid., para. 78 (gg).
[104] See CMW/C/LKA/CO/2, para. 37.
[105] Country team submission, p. 12.
[106] Ibid., p. 11. See also UNHCR submission to the universal periodic review of Sri Lanka, p. 1.
[107] Country team submission, p. 12. See also UNHCR submission, p. 1.
[108] UNHCR submission, p. 5.
[109] Country team submission, p. 7.
[110] Ibid., p. 12.
[111] UNHCR submission, p. 4.
[112] Ibid., p. 5.

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Summary of stakeholders' submissions on Sri Lanka*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 49 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies[2]

2. Joint Submission 19 (JS19) recommended that Sri Lanka implement the International Convention for the Protection of All Persons from Enforced Disappearance; implement the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and ratify the Rome Statute of the International Criminal Court.[3]

* The present document was not edited before being sent to United Nations translation services.

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B. National human rights framework[*]

3. According to Joint Submission 9 (JS9), key highlights of the 19th amendment to the Constitution include: the removal of the President's immunity for official acts; reducing the President's power in relation to Parliament; re-introducing term limits for the office of the President; taking away the sole power of the President to make appointments to key independent institutions; and improving transparency in the law making process.[7]

4. Joint Submission 20 (JS20) recommended that Sri Lanka strengthen and ensure the independence of human rights institutions such as the National Human Rights Commission.[8]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross cutting issues

Equality and non-discrimination[9]

5. JS9 noted that despite Sri Lanka's international treaty obligations and commitments, there were several laws and Constitutional provisions, which, contain discriminatory provisions towards women.[10]

6. Joint Submission 12 (JS12) expressed concern about certain legislation such as sections in the Penal Code that discriminate based on sexual orientation and gender identity.[11] JS12 highlighted that legislation such as the Vagrants Ordinance, the Brothels Ordinance, and certain sections of the Penal Code indiscriminately marginalized and discriminated against the LGBTIQ community and sex workers by means of criminalizing these lifestyles, and allowing persons in positions of authority such as police officers to detain, torture, and verbally and physically discriminate against members of these communities.[12]

7. Joint Submission 3 (JS3) recommended that a framework of legal reform be implemented, which actively prevents and prohibits discrimination against LGBTI persons, particularly in the context of education, housing, employment, accommodation and access to healthcare.[13] Human Rights Watch (HRW) expressed similar concerns.[14]

Development, the environment and business and human rights[15]

8. Joint Submission 17 (JS17) noted that the construction on Port City was adding to the already unacceptable current pollution levels, which are accelerating the destruction of the marine and coastal environment, as well as negatively impacting upon the health of the affected communities.[16]

Human rights and counter-terrorism[17]

9. Joint Submission 15 (JS15) noted that the Prevention of Terrorism Act had facilitated arbitrary and illegal arrest and detention, lengthy detention without trial, and torture.[18] Moreover, although many assurances were given to release political prisoners who had been languishing in prisons for a lengthy period of time, the Government had showed very little concern regarding their release and well-being.[19]

10. Canadian Tamil Congress (CTC) recommended that the Government release all political prisoners detained currently under the Prevention of Terrorism Act, and establish a moratorium for the use of the Act for new arrests until replacement legislation is enacted. Replacement legislation must contain safeguards against arbitrary arrest and torture or

cruel, inhuman or degrading treatment, as well as provisions for access to legal counsel in the language spoken by the accused from the moment of deprivation of liberty.[20]

11. International Commission of Jurists (ICJ) highlighted that the draft "Policy and legal framework of the proposed Counter Terrorism Act of Sri Lanka," prepared by the Government as a replacement to the Prevention of Terrorism Act was arguably more problematic from a rule of law and human rights perspective than the original Act, as it is inconsistent with international best practices.[21]

2. Civil and Political Rights

Right to life, liberty and security of the person[22]

12. The Human Rights Commission of Sri Lanka (HRC-SL) recommended that Sri Lanka abolish the death penalty.[23]

13. Joint Submission 8 also recommended that Sri Lanka establish a formal moratorium on the death penalty immediately with a view to its complete abolition and abolish the death penalty replacing it with a sentence that is fair, proportionate, and respects international human rights standards.[24]

14. JS9 noted that death in custody was investigated under the Criminal Procedure Code (Chapter 33) but certain elements of this chapter on investigations into sudden deaths were inadequate to investigate deaths in custody. Police still continued to enjoy impunity in reported cases of custodial death due to excessive use of force by police, which occurred between 2011 and 2015.[25]

15. IHRC noted that Sri Lanka had a long history of torture and custodial abuse by the police and armed forces, which is facilitated by draconian wartime legislation.[26] Freedom from Torture (FFT) also noted that the Sri Lankan military, police and intelligence services continued to practice torture in a network of torture facilities across the country, including unofficial detention centres.[27] Similarly, Society for Threatened Peoples International (STPI) noted that torture and ill-treatment of detainees, arbitrary arrest and detention, surveillance and harassment of civil society and journalists are still common in Sri Lanka.[28]

16. HRC-SL noted a widespread incidence of custodial violations, including torture.[29] In this regard, it recommended that the Government issue a strong and clear message to law enforcement authorities of its zero tolerance policy on torture, establish an independent unit to investigate complaints of torture against the police, and initiate timely prosecutions to stem impunity.[30]

17. Tamil Centre for Human Rights (TCHR) expressed concern that the Government had systematically failed to investigate security personnel and the paramilitary groups, even though there was strong supporting evidence of torture and other violations.[31]

18. Centre for War Victims and Human Rights (CWVHR) recommended that the Government create a civilian oversight mechanism in accordance with international standards, and with investigative powers to prevent torture, especially with respect to people under custody by the criminal investigations department, police and military agencies.[32]

19. JS9 noted with concern the prison overcrowding in Sri Lanka as well as the information suggesting that torture is rampant, carried out both by prison officers and the inmates.[33] Similarly, Joint Submission 16 (JS16) noted the prison over-crowding in main prisons, caused due to the denial of bail, the inability to pay and meet bail conditions, the inability to pay fines for small crimes, and the delay of trials and appeal cases.[34]

20. Joint Submission 5 (JS5) also expressed concern about conditions in detention and in prison, including overcrowding, routine violence such as sexual violence against inmates by prison guards and authorities as well as fellow prisoners, lack of basic facilities, including sanitation, nutrition and recreation, and the failure to afford proper and timely medical treatment.[35]

21. Tamil Centre for Human Rights (TCHR) noted that according to statistics, there were more than 200 persons imprisoned for political reasons.[36] JS5 also noted that there had been a number of incidents of threats, harassment and physical attacks against journalists.[37] In this regard, CTC recommended that the Government ensure that all security forces end surveillance, harassment and reprisals against the Tamil community and human rights defenders.[38]

22. HRC-SL also recommended that the Government ensure civil society and human rights defenders are able to function without any surveillance, intimidation or harassment, especially by state security actors and law enforcement officers.[39]

Administration of justice, including impunity, and the rule of law[40]

23. Together Against Genocide (TAG) stated that the judiciary lacked independence, judicial competence, and failed to abide by the international protection of fundamental rights and freedoms.[41] JS9 cited the impeachment of former Chief Justice by Parliament and the Executive as a major concern regarding the independence of the judiciary in Sri Lanka.[42] TAG also noted that the judiciary often erred in correctly applying legal principals inherited from the Roman-Dutch and English common laws.[43]

24. CWVHR stated that long languishing of political prisoners without charge or trial, extrajudicial killing of journalists, as well as arbitrary and lack of persecution of politicians on corruption cases were some examples of Sri Lanka's failure to uphold due process, rule of law and justice.[44] Similarly, JS19 highlighted that there was lack of political willingness on the part of Sri Lanka's institutions to effectively provide for truth or justice in the country.[45]

25. JS13 expressed deep concern about the overall climate of impunity regarding the large number of killings, disappearances, assaults, threats on journalists and media institutions.[46] JS9 also expressed concern that attacks against journalists had continued with impunity.[47]

26. Front Line Defenders (FLD) stated that impunity was a major concern that had not been completely addressed by the current Government.[48] Sri Lanka Brief (SLB) noted that there had been no concrete progress in any investigations of attacks on journalists and media organizations, including the killings and disappearances of journalists.[49] Action Contre La Faim (ACF) also highlighted that impunity still prevailed for the authors of the Muttur massacre,[50] and that since the last UPR, there had been no significant progress in ensuring accountability for the perpetrators of the Muttur massacre.[51]

27. With respect to the transitional justice process in Sri Lanka, JS9 highlighted that despite Human Rights Council resolution 30/1 underscoring the importance of foreign participation in a future judicial mechanism, government personnel had retreated from their early espousal of a hybrid judicial mechanism. JS9 also noted that the Government now backed a complete exclusion of foreign judges and the restriction of foreign participation.[52]

28. CWVHR noted that Sri Lanka had the second highest number of enforced disappearances in the world.[53] In this connection, JS9 highlighted that the extensive use of enforced disappearance, lack of judicial accountability and of decisive and sustained efforts to secure the truth, the absence of a comprehensive reparation programme and social,

psychological and economic support for the victims had left profound wounds on society and a deep sense of mistrust among victims.[54]

29. While noting that the Office of Missing Persons is presently only in name,[55] Tourner La Page recommended that Sri Lanka make a strong and concerted effort to end abductions or forcible disappearances, to ensure that perpetrators are brought to justice, and to foster a climate free from fear and conducive to open debate.[56] Similarly, ICJ expressed concern about the lack of accountability for enforced disappearances.[57]

30. JS9 also noted that the process of establishing the Truth Commission and Office for Reparations had been painstakingly slow highlighting that no timeframe for the establishment of the Office on Reparations has been given nor is there any mention of a comprehensive reparations package and policy. JS9 also highlighted that despite the enactment of a Victim and Witness Protection Act in March 2015, fatal flaws in the substantive law and problems in the Act's implementation had hampered its overall effectiveness.[58]

31. Transnational Government of Tamil Eelam (TGTE) noted that getting justice for victims of war crimes and crimes against humanity received a setback, due to the Government's unwillingness to prosecute civilian and security forces for having committed mass killings of Tamils and rape.[59] Similarly, TAG emphasized that Sri Lanka lacked an effective and appropriate mechanism for the investigation and prosecution of war crimes, crimes against humanity and genocide committed against the Tamil people by the Sri Lankan State.[60]

32. JUBILEE recommended that Sri Lanka continue to welcome international assistance for investigating war crimes, and that security forces be encouraged to undergo human rights training, which includes post-war reconciliation and humane treatment.[61]

33. JS16 noted that provisions for victim protection were inadequate, and that no specialized services were provided to the victims, as well as that child victims were mixed with criminals in state institutions.[62]

34. International Truth and Justice Project (ITJP) recommended that Sri Lanka establish an independent credible investigation with international investigators who will assist the Government with investigations of past and current system crimes and provide the technical support to establish a new independent investigative unit in order to systematically investigate, vet and screen alleged perpetrators in the security forces.[63]

35. Joint Submission 18 (JS18) stated that engagement of international judges, prosecutors, defence lawyers, forensic experts, and victim and witness protection experts would be of the utmost importance to maintain the credibility, independence and effectiveness of the transitional justice process.[64] JS18 recommended that Sri Lanka ratify the Rome Statute of the International Criminal Court in order that re-occurrence of similar atrocities can be minimized and the ethnic Tamil population can be protected in the future.[65]

Fundamental freedoms and the right to participate in public and political life[66]

36. ADF International highlighted the need for Sri Lanka to assess and follow through its commitment to freedom of religion.[67] It recommended that Sri Lanka recognize and respect the right to freedom of religion or belief for all citizens and residents, and avoid privileging the Buddhist faith to the point that the fundamental rights and freedoms of Christians, Muslims, Hindus, and other religious and ethnic minorities are infringed upon.[68] STPI further noted that ethnic and religious minorities in Sri Lanka continued to be exposed to discrimination.[69]

37. Joint Submission 11 (JS11) highlighted that the Evangelical Christian community in Sri Lanka was a minority within a minority thus facing a myriad of violations, including violent attacks in contravention of their right to freedom of religion or belief.[70]

38. JS9 noted that minority ethnic, religious and ethno-religious communities continued to face violence.[71] JS5 also noted that there had been a rise in attacks and hate speech against religious minorities by right-wing Buddhist groups.[72] TCHR also noted that in the recent past, a Buddhist extremist group known the Bodu Bala Sena – BBS (Buddhist Force) had carried out violent campaigns against Christians, Muslims and Saivites (Hindus).[73]

39. European Association of Jehovah's Christian Witnesses (EAJCW) noted that despite positive developments with regard to religious freedom, it remained concerned over the inadequate response by police and prosecutors in cases of religiously motivated assaults and vandalism.[74]

40. Christian Society Worldwide (CSW) recommended that the Government take necessary actions to comprehensively implement its existing obligations under international law regarding freedom of religion of belief.[75]

41. JS9 noted that since January 2015, there had been an improvement in the freedom of expression and media freedom. However, despite important steps by the present Government to improve the environment for dissent, attacks against journalists had continued with impunity.[76]

42. Joint Submission 14 (JS14) noted that a spate of arrests and incidents of intimidation of Tamil journalists represented the still dismal status of Sri Lanka's press freedom. It also led to the concern that Sri Lankan authorities were resuming the old government's practices designed to intimidate Tamil journalists.[77]

43. JS9 highlighted that there continued to be challenges such as the violations of people's right to peaceful protest, increase in the culture of fear and intimidation, extreme scrutiny of civil society and curtailment of unionization.[78] JS13 also remained concerned by ongoing restrictions on freedom of peaceful assembly.[79]

44. FLD noted that freedom of expression and assembly is still threatened in Tamil regions, especially in military-occupied territories affected by the civil war, impacting human rights defenders working on enforced disappearances, torture and land rights.[80] FLD also highlighted that press freedom remains fragile, as journalists still face difficulties covering certain topics and are subject to harassment and intimidation.[81]

45. Joint Submission 13 (JS13) noted that lesbian, gay, bi-sexual, trans-gender and inter-sex (LGBTI) organisations operating in Sri Lanka had suffered from purposefully prohibitive bureaucratic delays to impede their activities. JS13 specifically noted that an NGO, "Equal Ground" had suffered repeated harassment for organizing events that promote the rights of LGBTI people in Sri Lanka, including experiencing unjustified delays in gaining permission from authorities when coordinating activities.[82]

Prohibition of all forms of slavery[83]

46. JS12 noted that over 50,000 women were engaged in sex work in Sri Lanka. However, the statistics was not representative, as many sex workers are not identified, due to their enforced criminal status. JS12 also highlighted that the women of post-war affected regions especially in the North were forced to become sex workers in an attempt to sustain their families.[84]

Right to privacy and family life[85]

47. JS3 noted that Sections 365 and 365A of the Penal Code criminalized sexual relations between same-sex individuals, classifying same-sex relations as an "unnatural offence" subject to punishment of up to 10 years in prison.[86]

3. Economic, Social and Cultural Rights

Right to work and to just and favourable conditions of work[87]

48. JS5 noted that informal sector workers accounted for 68 per cent of the labour force, a majority of who live below the international poverty line, and are female.[88]

49. Joint Submission 6 (JS6) emphasized that the gender segregation of labour in the plantation sector indicated the discrimination and exploitation of women workers as they faced clear barriers in going beyond basic manual labour work to managerial and supervisory roles unlike men.[89]

50. JS12 stated that LGBTIQ persons had been shunned from their homes, discriminated in the work place, and that it was difficult for them to find work.[90]

51. Joint Submission 10 (JS10) noted that returnees faced difficulties in finding employment opportunities in both the private and public sector.[91]

52. Joint Submission 17 (JS18) also expressed concern about the Port City project that presents a high risk of deprivation of work for the communities of fishermen. JS17 further noted the estimation that the number of fishermen directly affected goes up to 30,000 in the city of Negombo alone.[92] In addition, JS17 stated that the sand mining for the construction of Port City would have important consequences on the coastal fishing industry.[93]

Right to an adequate standard of living [94]

53. JS5 noted a 2017 national review showing that 5.2 million people -almost 25 per cent of the population - are currently undernourished, 18 per cent of pregnant women were in "a poor maternal nutrition situation" in 2015, and a quarter of the children between 6-59 months are underweight.[95]

54. JS6 noted that nearly 60 per cent of workers in the Estate sector lived in 'line rooms', which not only brings stigma but most of which are cramped and very old leading to reduced access to toilets or water within the household and lack of safe drinking water.[96]

55. JS9 emphasized that Sri Lanka had failed to ensure the right to land and housing creating problems and livelihood difficulties for people.[97] More specifically, Association Bharathi – Centre Culturel Franco Tamoul (Association Bharathi CCFT) recommended that the Government provide the Tamil people of the regions of North and East with access to their residential and agricultural lands to engage in economic and livelihood activities.[98]

Right to health[99]

56. JS5 noted that the 'free' public healthcare system, which serves only 60 per cent of the population, did not meet the quality health needs of all people, and almost 96 per cent of private health expenditure is out-of-pocket.[100]

57. Association Bharathi CCFT recommended that Sri Lanka continues and step up psychosocial assistance programmes to victims of the conflict according to their needs.[101]

58. JS12 stated that estimated 1,000 abortions were being conducted illegally in Sri Lanka per day.[102] JS12 also expressed concern about the lack of a rights-based, extensive discussion on sexual and reproductive health, including but not limited to sexual orientation

and gender identity, reproductive stages, contraceptive methods, services related to reproductive and sexual health and relationship from gender perspective.[103]

Right to education[104]

59. Tourner La Page recommended that Sri Lanka ensure that children belonging to minority religions receive religious education from volunteer teachers or local places of worship, as well as foster an environment in schools whereby children belonging to minority religions are treated equally and fairly.[105]

60. JS11 expressed concern that children belonging to the Evangelical Christian minority experience difficulty and discrimination when applying to State schools in direct contravention of the provisions of the Constitution.[106]

61. More specifically, JS6 recommended that the Government take immediate measures to allocate adequate resources to develop the quality of health and educational services in plantation areas, including through the establishment of higher educational institutes for the Malayaha Tamilar community.[107]

62. Joint Submission 7 (JS7) stated that not even the minimum facilities required for the concept of inclusive education accepted worldwide were available in the school's system of Sri Lanka.[108]

4. Rights of specific persons or groups

Women[109]

63. JS16 noted that male dominance, i.e. the control of female sexuality, and perceptions of women as man's property were reflected not only in domestic violence but in other forms of gender-based violence, such as rape and sexual harassment, and incest.[110]

64. JS7 noted that women who have disabilities faced sexual harassment and sexual exploitation in the home, community, work places and in society at a serious level with hidden or undiscovered incidents.[111]

65. Joint Submission 22 (JS22) noted that some Eelam Tamil women were being subjected to a wide range of sexual abuses as part of a systematic campaign of extermination against their nation by the Sri Lankan state.[112] JS22 also noted that some Eelam Tamil women giving birth to their first or second child had been forced to accept permanent birth control operations.[113]

66. JS5 also noted the State failure to hold accountable military, police and public officers that have committed crimes against women including during the armed conflict, and those who have sexually exploited women seeking state services.[114]

67. TCHR claimed that as part of ethnic cleansing, the soldiers carried on raping, committing sexual assaults, and harassing Tamil women with impunity.[115] JS15 noted that there had been a significant increase in violence against women and children in war affected areas in the North and East.[116] In this regard, JS5 expressed concern that the machinery to address gender-based-violence including sexual violence, domestic violence and ensure access to justice remains weak and enables impunity.[117]

68. Joint Submission 1 (JS1) expressed concern that continued militarization of the North and East regions and entrenched impunity had created the framework for sexual and gender-based violence and recurring human rights abuses against already vulnerable minority women.[118] JS1 also noted that violence against women was perpetrated not only by State actors at all levels, but also within Tamil and Muslim communities.[119] Similarly,

PEARL noted that security forces had perpetrated sexual violence against both women and men on an equal basis.[120]

69. Association Bharathi CCFT recommended that Sri Lanka draft legislation aimed at eliminating violence against women.[121]

Children[122]

70. JS2 recommended that Sri Lanka ensure that there are no legal ambiguities about the definition of the child to allow full rights and protection to all children – boys and girls without discrimination – under 18 years of age by reviewing all laws.[123]

71. JS1 noted that there was no minimum age of marriage for Muslims, and that the Muslim Marriage and Divorce Act allowed a male guardian to give the bride in marriage, resulting in forced marriage of girls as young as fourteen.[124]

72. Global Initiative to End All Corporal Punishment of Children (GIEACPC) recommended that Sri Lanka prohibit all corporal punishment of children in all settings, including the home, and repeal all the legal defences.[125]

73. JS9 noted that one of the other major issues is child labour, with almost 100,000 child workers in Sri Lanka.[126] JS16 also expressed concern that there are no laws regulating employment in third party households, which leaves children of 14-18 years old to be employed as domestic workers thus vulnerable to exploitation.[127]

74. Joint Submission 2 (JS2) noted that Articles 365 and 365A of the Penal Code prohibiting homosexual relations, described as "acts of gross indecency", might put children in danger as these articles do not explicitly exempt children for the crime, hence a child might be treated as an offender instead of a victim in exploitative situations.[128]

Persons with disabilities[129]

75. JS9 noted that the term 'disabled' was not mentioned in Article 12(2) of the Constitution, and that persons with disabilities faced enormous challenges in accessing justice, in getting employment, and accessing information and voting.[130]

76. JS7 noted that despite policy pronouncements, persons with intellectual disabilities and those with severe disabilities were frequently denied enjoyment of their most fundamental human rights and participation in society.[131]

77. JS7 also highlighted that since the opportunities for persons with disabilities to access information and communication were hardly available, their freedom of expression and right to information were violated.[132]

78. Furthermore, JS7 noted that when filling vacant positions, persons with disabilities were not recruited and denied of the opportunities although there was a 3% quota allocated to persons with disabilities when recruiting for government jobs.[133]

79. JS5 noted that children and youth with disabilities suffered discrimination in accessing education and vocational training.[134]

80. JS7 also stated that access to health services was a challenge for persons with disabilities, due to lack of physical accessibility, and non-availability of information, as well as non-availability of audio visual communication boards and sign language interpreters even in leading state hospitals.[135]

Minorities and indigenous peoples[136]

81. Le Pont noted that Tamils in Sri Lanka who have suffered and continue to suffer under the successive Sinhala-majority governments, had been denied of their right to freely

determine their political status due to the anti-democratic piece of legislation enacted in 1983 as the sixth amendment to the constitution.[137]

82. JS20 noted that destroying Tamil cultural identities, the Sri Lankan state was trying to wipe out Ethnic Tamil national identity.[138] JS5 expressed concern that the Tamil-speaking minorities did not have fair and equal access to state services.[139] Similarly, JS9 noted that lack of Tamil speaking staff in government institutions caused many difficulties to that minority and was a violation of their language rights.[140]

83. JS16 expressed concern that in the majority Tamil-speaking North and East, many police stations were unable to receive complaints in Tamil as the personnel are entirely Sinhala-speakers.[141] JS16 also noted that law enforcement officials were often reluctant to take effective action against persons who infringe on the liberties of minority religious groups, as a result of undue influence and pressure exerted by local Buddhist monks, government officials and politicians.[142]

84. JS5 noted that Sri Lanka had no special legislation or mechanism to protect the right of the "Veddhas". Conservation regulations have deprived them of hunting grounds criminalized their livelihood.[143]

85. JS6 noted that the Malayaha Tamilar community was one of the most discriminated communities in Sri Lanka, but their issues had not been highlighted and received due attention in either national or in international human rights discourses.[144]

Migrants, refugees and asylum seekers and internally displaced persons[145]

86. HRW noted that more than one million Sri Lankans were employed overseas, mostly in the Middle East, and many remained at risk of abuse at every stage of the migration cycle from recruitment and transit to employment, repatriation, and reintegration.[146] In this connection, JS5 noted that Sri Lankan migrant workers in the Middle East, especially women domestic workers, were highly vulnerable to abuses and grave miscarriages of justice.[147]

87. JS10 noted that many returnees no longer possessed essential legal documents such as birth, marriage, and death certificates, National Identity Cards, and land documents, having lost them through displacement under emergency circumstances.[148]

88. JS10 noted that returnees who have been refused asylum in other countries or return on the basis of bilateral agreements faced increased security surveillance, harassment, and detention.[149]

89. JUBILEE noted that housing for refugees remained a large concern in Sri Lanka.[150] In this regard, JS9 noted that there were no national procedures for refugee status determination. The Government instead engaged in *de facto* deporting of many asylum seekers at the port of entry without affording them an opportunity to present their case.[151]

90. JS10 noted that the treatment and services available to asylum seekers and refugees at public hospitals and clinics is often lacking in terms of care and compassion.[152]

91. JS9 stated that the last four years had seen significant changes in the numbers of internally displaced persons. Nonetheless, there continued to be serious obstacles, particularly relating to omissions and failings by the State, which thwart the achievement of durable solutions for those affected by displacement, currently living within the country and outside.[153]

92. JS9 noted that one of the main obstacles thwarting the return of internally displaced persons was the occupation of land by the military.[154] Similarly, PEARL expressed concern that the military occupation of Tamil lands was a source of ongoing trauma to the Tamil

population, who were forced to live among the same soldiers who attacked their families and communities through alleged war crimes and crimes against humanity.[155]

93. Tamil Uzhagam stated that land -grabbing led to the fact that present and future generations of Tamils cannot meet their needs and livelihood requirements.[156] Tamil Uzhagam also expressed concern that the acts of land-grabbing, done against the will of the Tamil people and for "military purposes" were a government-sanctioned act to increase Sinhala presence in the Tamil homeland through resettlement schemes and other programmes, leading to demographic changes.[157]

94. TGTE noted that a large number of private lands were forcibly occupied by the Sri Lankan Security forces.[158] Association Bharathi CCFT recommended that the Government take immediate measures to demilitarize North and East and hand over lands occupied by the military for over 25 years to their rightful owners without any further delay.[159]

95. JS14 noted the Government's failure to provide displaced villagers with homes to resettle, despite the fact that it has been almost 2 years in some instances since the land was released. JS14 also noted that many families were still living in temporary tin roof housing.[160]

96. JS15 noted that the wells in private lands belonging to the people in the North were controlled by the military, and that thousands of litres of water were drawn, on a daily basis, for the surrounding camps. As a result, people were facing water shortages.[161]

97. LE PONT expressed concern that a programme of systematic colonization of parts of Tamils homeland areas of North and East was continuing subtly. Peoples without land would become peoples lost among other peoples, and ultimately face extinction.[162]

98. STPI recommended that the Government ensure land rights for internally displaced persons by releasing all occupied areas to the public and resettle all internally displaced persons wherever possible on their traditional land. If land is absolutely necessary for public purposes, the Government need to legally acquire the land, inform the owners about the particular purpose and also compensate them accordingly.[163]

99. STPI stated that women and children were the most vulnerable and marginalised groups in the majority of internally displaced persons (IDP) camps, making members of female-headed households the most affected group of all.[164] STPI stated that inhabitants of IDP camps faced a number of economic, socio-cultural and political challenges in their everyday lives.[165]

5. Specific regions or territories[166]

100. Tourner La Page recommended that the Government provide Northern and Eastern people self-governance mechanisms, language rights, land rights and all other political, human and cultural rights.[167]

101. Tamil Uzhagam expressed concern that the heavy militarization of the North and East regions of Sri Lanka has not only impeded the Tamil people from recovering and returning to normalcy, but it also has been actively used as a tool by the Sri Lankan State to execute a far more sinister agenda of erasing the Tamil identity.[168]

102. JS1 claimed that many women in the North and East struggled with war-related physical challenges that impede their access to public spaces, transportation, employment, and services.[169]

103. JS15 noted that sexual crimes, murders, violent gang activities, sand and timber smuggling and trafficking and distributing narcotics had been increased in the North and East regions of Sri Lanka.[170]

Notes

[1] Prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21.

[2] Please also refer to the Stakeholders' Summary on Sri Lanka from the previous cycle (A/HRC/WG.6/14/LKA/3).

[3] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

ADF	Action Contre La Faim, Paris (France);
ADF International	ADF International, Geneva (Switzerland);
Association Bharathi CCFT	Association Bharathi Centre Culturel Franco Tamoule, Maurepas (France);
CSW	Christian Solidarity Worldwide, New Malden (United Kingdom);
CTC	Canadian Tamil Progress, Toronto (Canada);
CWVHR	Centre for War Victims and Human Rights, Callowhill, PA (United States of America);
EAJCW	the European Association of Jehovah's Christian Witness, Kraainem (Belgium);
FfT	Freedom from Torture, London (United Kingdom);
FLD	Front Line Defenders, Dublin (Ireland);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom);
HRW	Human Rights Watch, New York City, NY (United States of America);
ICJ	International Commission of Jurists, Geneva (Switzerland);
ITJP	International Truth and Justice Project, Johannesburg (South Africa);
JUBILEE	JUBILEE, Fairfax, VA (United States of America);
Le Pont	Association LE PONT, Maurepas (France);
PEARL	People for Equality and Relief in Lanka, Washington, DC (United States of Amercia);
SLB	Sri Lanka BRIEF news, views and analysis of human rights & democratic governance in Sri Lanka, Geneva (Switzerland);
STPI	Society for Threatened Peoples International, Ostermundigen (Switzerland);
TAG	Together Against Genocide, Middlesex (United Kingdom);
Tamil Uzhagam	Association Tamil Uzhagam, Maurepas (France);
TCHR	Tamil Centre for Human Rights, Garges les Gonesse (France);
TGTE	Transnational Government of Tamil Eelam, New York City, NY (United States of America);
Tourner La Page	Association Tourner La Page, Maurepas (France).

Joint submissions:

JS1	**Joint submission 1 submitted by:** Women's Action Network; Mannar Women's Development Federation, Mannar (Sri Lanka); Muslim Women Development Trust, Puttalam (Sri Lanka); Sangami, Mullaitheevu (Sri Lanka); Vallamai, Jaffna (Sri Lanka); Affeceted Women's Forum, Ampara (Sri Lanka); Third Eye, Batticaloa (Sri Lanka); Social Economical and Educational Developers, Vavunia (Sri Lanka); Mahashakthi, Killinochchi (Sri Lanka);

JS2 **Joint submission 2 submitted by:** Protecting Environment and Children Everywhere, Kuhawala (Sri Lanka); ECPAT International, Bangkok (Thailand);

JS3 **Joint submission 3 submitted by:** EQUAL GROUND, Colombo (Sri Lanka); Kaleidoscope Australia, Clayton (Australia);

JS4 **Joint submission 4 submitted by:** EQUAL GROUND, Colombo (Sri Lanka); the Center for International Human Rights of Northwestern Pritzker School of Law, Chicago, IL (United States of America); Global Initiatives for Human Rights of Heartland Alliance for Human Needs & Human Rights, Chicago, IL (United States of America);

JS5 **Joint submission 5 submitted by:** NAFSO, Negombo (Sri Lanka); MONLAR, Rajagiriya (Sri Lanka); Law and Society Trust, Colombo (Sri Lanka); INFORM, Colombo (Sri Lanka); CHRD, Colombo (Sri Lanka); Batticaloa, Mannar (Sri Lanka); Justice for All, Colombo (Sri Lanka); Savistree, Bathharamulla (Sri Lanka); Sri Vimukhti Fisher Women Organization, Negombo (Sri Lanka); DIFSO Akkaraipaththu, Ampara (Sri Lanka); RDS, Poththuvil (Sri Lanka); Valarpirai Citizen Forum, Addalaichenai (Sri Lanka); Kilakku Sooriyan Women District Committee, Addalaichenai (Sri Lanka); Lucky Sports Club, Addalaichenai (Sri Lanka); NSLA, Akkaraipaththu (Sri Lanka); Vali North Resettlement Organization, Jaffna (Sri Lanka); RLO, Jaffna (Sri Lanka); DIFSO, Jaffna (Sri Lanka); NPFPU, Mannar and Jaffna (Sri Lanka); JDFCSU, Jaffna (Sri Lanka); Poonthalir Women District Committee, Jaffna (Sri Lanka); Vali North Citizens Forum, Jaffna (Sri Lanka); Vali East Citizen Forum, Jaffna (Sri Lanka); SFO, Galle and Matara (Sri Lanka); **Environmental Conservation Trust;** HRO, Poddala (Sri Lanka); Inter Religious Group, Galle (Sri Lanka); HPDP, Galle (Sri Lanka); Ginimella Fisheries Organization, Galle (Sri Lanka); SDF Rathgama, Galle (Sri Lanka); Citizen Forum Hikkaduwa, Galle (Sri Lanka); Uva Shakthi, Badulla (Sri Lanka); CWA, Passara (Sri Lanka); CCDF, Badulla (Sri Lanka); Citizen Council, Passara (Sri Lanka); UVA Redio, Badulla (Sri Lanka); UWF, Badulla (Sri Lanka); PCDF, Passara (Sri Lanka); EST, Madulsima (Sri Lanka); CDC, Betticaloa (Sri Lanka); CAMID, Betticaloa (Sri Lanka); Marumalarchchi Women District Organization, Betticaloa (Sri Lanka); SLNF, Betticaloa (Sri Lanka); Stand Up Movement, Negombo (Sri Lanka); NGO Consortium, Betticaloa (Sri Lanka); DIFESO, Betticaloa (Sri Lanka); Citizen Forum, Trincomalee (Sri Lanka); DIFSO, Trincomalee (Sri Lanka); WNW, Trincomalee (Sri Lanka); RDS, Sampoor (Sri Lanka); TDC, Trincomalee (Sri Lanka); Udayam District Women Organization, Udayam (Sri Lanka); Society for Resettlement, Trincomalee (Sri Lanka); DFCFU, Trincomalee (Sri Lanka); DIFSO, Mannar (Sri Lanka); MSEDO, Mannar (Sri Lanka); Citizen Forum, Mannar (Sri Lanka); MCC, Mannar (Sri Lanka); Nesakaram Citizen Forum, Mannar (Sri Lanka); Valarpirai District Women Organization, Mannar (Sri Lanka); UWS, Matara (Sri Lanka); Jayantha Gamage Foundation, Matara (Sri Lanka); FFD, Matara (Sri Lanka); Pratheeba Media Collective, Matara (Sri Lanka); CCS, Matara (Sri Lanka); Savistree, Matara (Sri Lanka); YSDF, Hatton (Sri Lanka); MOD, Hatton (Sri Lanka); DIRC, Hatton (Sri Lanka);

SEEDS, Hatton (Sri Lanka); ZOA, Mannar (Sri Lanka); **Suneru Foundation** (Sri Lanka); **Council of Returned Refugees** (Sri Lanka); Praja Abilasa Network, Negombo (Sri Lanka); PAAL, Colombo (Sri Lanka); Women Development Federation, Weligepola (Sri Lanka); Sramabhumi Kendraya, Seeduwa (Sri Lanka); FIOH, Badulla (Sri Lanka); Lanka Farmers Forum, Colombo (Sri Lanka); Progressive Peasant Congress, Higurakgoda (Sri Lanka); CSDF, Dematagoda (Sri Lanka); PPPO, Paanama (Sri Lanka); Rural Workers Organization, Jaffna (Sri Lanka); Dabindu Organization, Katunayake (Sri Lanka); Center for Society and Religion, Maradana (Sri Lanka); Tissa Jaya Welfare Children Foundation, Weligama (Sri Lanka); Women and Media Collective, Colombo (Sri Lanka).

JS6 **Joint submission 6 submitted by:** the Sri Lanka Malayaha Tamilar Rights Coalition, Colombo (Sri Lanka);

JS7 **Joint submission 7 submitted by:** Ceylon Association For The Mentally Retarded; Kalutara District Organisation of The Disabled; Matugama Social Service Society Mayura Rehabilitation Centre; National Forum of Visually Handicapped Women; Organisation For Rehabilitation of The Handicapped Vavuniya District (ORHAN); Parents Teachers Organisation of The Intellectual Disability In Sri Lanka; Saviya Development Foundation; Special Education Development Service Society; Special Educational Services Society Blind And Deaf School; Sri Lanka Association of Parents of Deaf Children; Sri Lanka Central Federation of The Deaf; Sri Lanka Council For The Blind; Sri Lanka Federation of The Visually Handicapped; Sri Lanka Foundation For The Rehabilitation of The Disabled; Sri Lanka National Federation of The Visually Handicapped; Sri Lanka Spinal Injuries Association; Narada Sawana (Hear) Foundation; "Our Kids" Organization For Slow Growing Minded Children; National Institute For The Care Of Paraplegics Sri Lanka; Sri Lanka Council of Visually Handicapped Graduates; Exceptional Children's Educational Development Foundation; Navajeevana; Southern Province Deaf Association; Puthiya Pathai Disabled People's Organization; Valvaham Special Need People's Organization; Association For Persons With Rheumatic Diseases;

JS8 **Joint submission 8 submitted by:** the Advocates for Human Rights, Minneapolis, MN (United States of America); the World Coalition Against the Death Penalty, Montreuil (France);

JS9 **Joint submission 9 submitted by:** Centre for Peace Studies, Zagreb (Croatia); Centre for Policy Alternatives, Colombo (Sri Lanka); Community Education Centre, Wellington (New Zealand); **Deshodaya (Sri Lanka);** Disability Organizations Joint Front, Ratmalana (Sri Lanka); Diversity and Solidarity Trust, Colombo (Sri Lanka); Eastern United Women Organisation, Colombo (Sri Lanka); EQUAL GROUND, Colombo (Sri Lanka); Families of Disappearances, Colombo (Sri Lanka); Family Rehabilitation Centre, Colombo (Sri Lanka); Federation of Eastern Muslim Civil Organization, Colombo (Sri Lanka); Free Media Movement, Colombo (Sri Lanka); Human Development Organisation, Colombo (Sri

Lanka); Human Rights First Aid Centre, Gampaha (Sri Lanka); Human Rights First Aid Centre, Hambantota (Sri Lanka); Human Rights First Aid Centre, Matara (Sri Lanka); International Center for Ethnic Studies, Jaiwardenapura (Sri Lanka); Mannar Women's Development Federation, Mannar (Sri Lanka); Mother and Daughters of Lanka, Colombo (Sri Lanka); Muslim Women's Development Trust, Puttalam (Sri Lanka); National Christian Council of Sri Lanka, Colombo (Sri Lanka); National Christian Evangelical Alliance, Colombo (Sri Lanka); National Peace Council, Colombo (Sri Lanka); Organization for Eelam Refugee Rehabilitation, Colombo (Sri Lanka); Rights Now Collective for Democracy, Colombo (Sri Lanka); Rights to Life Human Rights Center, Colombo (Sri Lanka); Rule of Law Forum, Colombo (Sri Lanka); Rural Development Foundation, Colombo (Colombo); Rural Women's Front, Samadanam (Sri Lanka); Sarvodaya, Moratuwa (Sri Lanka); Social Development Service Foundation, Colombo (Sri Lanka); South Asian Centre for Legal Studies, Colombo (Sri Lanka); United Religions Initiative, Colombo (Sri Lanka); Uva Wellassa Women Organization, Buttala (Sri Lanka); **Videsye Wiruddaya**, War Child Holland, Amsterdam (Netherlands); Women's Action Network, Colombo (Sri Lanka); Women's Centre, Jo-Ela (Sri Lanka); Women's Political Academy, Colombo (Sri Lanka); **Young Out Here**.

15(10) **Joint submission 10 submitted by:** Refugee Advocates Group.

15(11) **Joint submission 11 submitted by:** World Evangelical Alliance, New York City, NY (United States of America); Sri Lanka Evangelical Alliance, Dehiwala (Sri Lanka).

15(12) **Joint submission 12 submitted by:** Family Planning Association of Sri Lanka, Colombo (Sri Lanka); Centre for Policy Alternatives, Colombo (Sri Lanka); the Grassroots Trust, Mount Lavinia (Sri Lanka); EQUAL GROUND, Colombo (Sri Lanka); Women and Media Collective, Colombo (Sri Lanka); Youth Advocacy Network Sri Lanka, Colombo (Sri Lanka); Shanthi Maargam, Colombo (Sri Lanka); Hashtag Generation, Colombo (Sri Lanka).

15(13) **Joint submission 13 submitted by:** World Alliance for Citizen Participation, Geneva (Switzerland); INFORM Human Rights Documentation Centre, Colombo (Sri lanka).

15(14) **Joint submission 14 submitted by:** Adayaalam Centre for Policy Research, Jaffna (Sri Lanka); Centre for Human Rights and Development, Colombo (Sri Lanka); Centre for Promotion and Protection of Human Rights, Trincomalee (Sri Lanka); Jaffna Press Club, Jaffna (Sri Lanka); Maanam Foundation, Vavuniya (Sri Lanka); Mannar Citizens' Committee, Mannar (Sri Lanka); Tamil Civil Society Forum, Jaffna (Sri Lanka); Tamil Lawyers' Forum, Vavuniya (Sri Lanka).

15(15) **Joint submission 15 submitted by:** North East Coordinating Committee, Alternative Generation for Social Justice and Rights, Jaffna (Sri Lanka); Ampara District Women's Network, Ampara (Sri Lanka); Center for Human Rights and Development, Colombo (Sri Lanka); Centre for Humanitarian and Integrated Development, Colombo (Sri Lanka); Center for

People's Dignity and Rights, Batticaloa (Sri Lanka); Centre for Promotion and Protection of Human Rights, Trincomalee (Sri Lanka); Trincomalee District Youth Development ASIAM, Trincomalee (Sri Lanka); Trincomalee District Women's Network, Trincomalee (Sri Lanka); Law and Human Rights Education Institute, Jaffna (Sri Lanka); Centre for Peace and Justice, Jaffna (Sri Lanka); Forum for War Affected People, Mannar (Sri Lanka); Mannar Social And Economic Development Organization, Mannar (Sri Lanka); Batticaloa District Women's Network, Batticaloa (Sri Lanka).

25.16 ***Joint submission 16 submitted by:*** **Religious and Priests for Human Rights** (Sri Lanka); Alliance for Justice, Washington, DC (United States of America); Human Rights Office Kandy, Kandy (Sri Lanka); National Christian Evangelical Alliance of Sri Lanka, Dehiwela (Sri Lanka); Franciscans International, Geneva (Switzerland); Dominicans for Justice and Peace, Geneva (Switzerland); Congregation of Lady of Charity of the Good Shepherd, St. Louis, MO (United States of America); the World Evangelical Alliance, New York City, NY (United States of America); Marist International Solidarity Foundation, Rome (Italy).

25.17 ***Joint submission 17 submitted by:*** The People's Movement against the Port City (Sri Lanka); Dominicans for Justice and Peace, Geneva (Switzerland); Franciscans International, Geneva (Switzerland).

25.18 ***Joint submission 18 submitted by:*** Association Bharathi Centre Culturel Franco Tamoule, Maurepas (France); Association des Etudiants Tamouls de France, Paris (France); Association Tourner La Page, Maurepas (France); Association LE POINT, Maurepas (France); Association Tamil Uzhagam, Maurepas (France); **Society for Development and Community Empowerment**; Association Burkinabe pour la Survie de l'Enfance, Ouagadougou (Burkina Faso); Solidarite Internationale pour l'Afrique, Bamako (Mali); **Society for Development and Community Empowerment**; Association Mauritanienne Pour la Promotion du Droit, Nouakchott (Mauritania); Association Pour les Victimes du Monde, Yaounde (Cameroon); Kenya Community Development Group, Nairobi (Kenya); Association Congolaise pour la Developpement Agricole, Brazzaville (Congo); Association Des Tamouls De Paris au Sri Lanka, Maurepas (France); Association ADC TAMIL OLI, Saint-Saint-Denis (France); L'Association Culturelle des Tamouls en France, Paris (France); **Association pour le Droit de l'Homme et le Developpement Durable**; Association Internationale Des Droits de l'Homme de Bourgogne, Dijon (France); Association Jeunesse Etudiante Tamoule, Aulnay-sous-Bois (France); Swiss Council Eelam Tamils, Geneva (Switzerland); L'Association Mondiale des Droits de l'Homme, Geneva (Switzerland); Association International des Droits de l'Homme, Paris (France).

25.19 ***Joint submission 19 submitted by:*** Association des Etudiants Tamouls de France, Paris (France); Association Bharathi Centre Culturel Franco Tamoule, Maurepas (France); Association Tourner La Page, Maurepas (France); Association LE POINT, Maurepas (France); Association Tamil Uzhagam,

Maurepas (France); **Society for Development and Community Empowerment**, Association Burkinabe pour la Survie de l'Enfance, Ougadougou (Burkino Faso); Solidarite Internationale pour l'Afrique, Bamako (Mali); **Society for Development and Community Empowerment;** Association Mauritanienne Pour la Promotion du Droit, Nouakchott (Mauritania); Association Pour les Victimes du Monde, Yaounde (Cameroon); Kenya Community Development Group, Nairobi (Kenya); Association Congolaise pour le Developpement Agricole, Brazzaville (Congo); Association Le Collectif Le Pont au Sri Lanka, Maurepas (France); Association ADIC TAMIL OLI, Seine-Sain-Denis (France); L'Association Culturelle des Tamouls en France, Paris (France); **Association pour le Droit de l'Homme et le Developpement Durable;** Association Internationale Des Droits de l'Homme de Bourgogne, Dijon (France); Association Jeunesse Etudiante Tamoule, Aulnay-sous-Bois (France); Swiss Council Eelam Tamils, Geneva (Switzerland); L'Association Mondiale des Droits de l'Homme, Geneva (Switzerland); Association International des Droits de l'Homme, Paris (France);

PK20 **Joint submission 20 submitted by:** Association Tourner La Page, Maurepas (France); Association des Etudiants Tamoule de France, Paris (France); Association Bharathi Centre Culturel Franco Tamoule, Maurepas (France); Association LE PONT, Maurepas (France); Association Tamil Uzhagam, Maurepas (France); **Society for Development and Community Empowerment**, Association Burkinabe pour la Survie de l'Enfance, Ougadougou (Burkino Faso); Solidarite Internationale pour l'Afrique, Bamako (Mali); **Society for Development and Community Empowerment;** Association Mauritanienne Pour la Promotion du Droit, Nouakchott (Mauritania); Association Pour les Victimes du Monde, Yaounde (Cameroon); Kenya Community Development Group, Nairobi (Kenya); Association Congolaise pour le Developpement Agricole, Brazzaville (Congo); Association Le Collectif Le Pont au Sri Lanka, Maurepas (France); Association ADIC TAMIL OLI, Seine-Sain-Denis (France); L'Association Culturelle des Tamouls en France, Paris (France); **Association pour le Droit de l'Homme et le Developpement Durable;** Association Internationale Des Droits de l'Homme de Bourgogne, Dijon (France); Association Jeunesse Etudiante Tamoule, Aulnay-sous-Bois (France); Swiss Council Eelam Tamils, Geneva (Switzerland); L'Association Mondiale des Droits de l'Homme, Geneva (Switzerland); Association International des Droits de l'Homme, Paris (France);

PK21 **Joint submission 21 submitted by:** Association Tamil Uzhagam, Maurepas (France); Association Tourner La Page, Maurepas (France); Association des Etudiants Tamoule de France, Paris (France); Association Bharathi Centre Culturel Franco Tamoule, Maurepas (France); Association LE PONT, Maurepas (France); **Society for Development and Community Empowerment**, Association Burkinabe pour la Survie de l'Enfance, Ougadougou (Burkino Faso); Solidarite Internationale pour l'Afrique, Bamako (Mali); **Society for**

	Development and Community Empowerment; Association Mauritanienne Pour la Promotion du Droit, Nouakchott (Mauritania); Association Pour les Victimes du Monde, Yaounde (Cameroon); Kenya Community Development Group, Nairobi (Kenya); Association Congolaise pour le Developpement Agricole, Brazzaville (Congo); Association Le Collectif La Paix au Sri Lanka, Maurepas (France); Association ABC TAMIL OLI, Seine-Sain-Denis (France); L'Association Culturelle des Tamouls en France, Paris (France); **Association pour le Droit de l'Homme et le Developpement Durable;** Association Internationale Des Droits de l'Homme de Bourgogne, Dijon (France); Association Jeunesse Etudiante Tamoule, Aulnay-sous-Bois (France); Swiss Council Eelam Tamils, Geneva (Switzerland); L'Association Mondiale des Droits de l'Homme, Geneva (Switzerland); Association International des Droits de l'Homme, Paris (France).
JS22	**Joint submission 22 submitted by:** Association LE PONT, Maurepas (France); Association Tamil Uzhagam, Maurepas (France); Association Tourner La Page, Maurepas (France); Association des Etudiants Tamoule de France, Paris (France); Association Bharathi Centre Culturel Franco Tamoule, Maurepas (France); **Society for Development and Community Empowerment**, Association Burkinabe pour la Survie de l'Enfance, Ougadougou (Burkino Faso); Solidarite Internationale pour l'Afrique, Bamako (Mali); **Society for Development and Community Empowerment;** Association Mauritanienne Pour la Promotion du Droit, Nouakchott (Mauritania); Association Pour les Victimes du Monde, Yaounde (Cameroon); Kenya Community Development Group, Nairobi (Kenya); Association Congolaise pour le Developpement Agricole, Brazzaville (Congo); Association Le Collectif La Paix au Sri Lanka, Maurepas (France); Association ABC TAMIL OLI, Seine-Sain-Denis (France); L'Association Culturelle des Tamouls en France, Paris (France); **Association pour le Droit de l'Homme et le Developpement Durable;** Association Internationale Des Droits de l'Homme de Bourgogne, Dijon (France); Association Jeunesse Etudiante Tamoule, Aulnay-sous-Bois (France); Swiss Council Eelam Tamils, Geneva (Switzerland); L'Association Mondiale des Droits de l'Homme, Geneva (Switzerland); Association International des Droits de l'Homme, Paris (France).
National human rights institution(s):	
HRC-SL	Human Rights Commission of Sri Lanka, Colombo (Sri Lanka).

[4] For relevant recommendations see A/HRC/22/16, paras. 127.1, 127.2, 127.3, 127.4, 127.43, 127.44, 127.47, 127.51, 127.60, 128.1, 128.2, 128.3, 128.4, 128.5, 128.6, 128.7, 128.8, 128.9, 128.10, 128.11, 128.12, 128.13, 128.14, 128.15, 128.16, 128.17, 128.18, 128.3, 128.43, 128.44, 128.45, 128.46, 128.47, 128.48, 128.49, 128.50, 128.51, 128.52, 128.71, and 128.82.

[5] JS19, p.10. See also JS20, p. 6, para. v., w., and x; and JS21, p.5, para. dd., ee., and ff.

[6] For relevant recommendations see A/HRC/22/16, paras. 127.5, 127.6, 127.7, 127.8, 127.9, 127.10, 127.11, 127.12, 127.13, 127.14, 127.15, 127.16, 127.17, 127.18, 127.19, 127.20, 127.21, 127.22, 127.23, 127.24, 127.25, 127.26, 127.27, 127.28, 127.29, 127.31, 127.30, 127.32, 127.33, 127.34, 127.35, 127.36, 127.37, 127.38, 127.39, 127.40, 127.41, 127.42, 127.45, 127.46, 127.53, 127.54, 127.80, 127.81, 127.83, 127.84, 127.86, 127.87, 127.91, 128.26, 128.32, 128.35, 128.41, 128.56,

128.58, and 128.83.
[7] JS9, para. 3.
[8] JS20, p. 6, para. K.
[9] For relevant recommendations see A/HRC/22/16, paras. 127.55, 127.56, 127.67, and 128.93.
[10] JS9, para. 21.
[11] JS12, para. 1.
[12] JS12, para. 7. See also JS3, para. 5.6, and JS9, para. 25.
[13] JS3, para. 5.21. See also JS5, paras. 5.1. and 5.3.
[14] HRW, p. 3.
[15] For relevant recommendations see A/HRC/22/16, paras. 127.100, 127.101, 127.102, 127.105, 127.106, 127.107, 127.108, and 127.109.
[16] JS17, para. 20.
[17] For relevant recommendations see A/HRC/22/16, para. 127.110.
[18] JS15, Chapter 3, p. 3.
[19] JS15, Chapter 4, p. 4.
[20] CTC, para. 30.
[21] ICJ, para. 22. See also WAN, para. 22.
[22] For relevant recommendations see A/HRC/22/16, paras. 127.74, 128.19, 128.20, 128.21, 128.22, 128.23, 128.59, 128.60, 128.61, 128.62, 128.63, 128.64, 128.65, 128.66, 128.67, 128.68, 128.69, 128.73, 128.76, and 128.94.
[23] HRC-SL, Chapter 2 (c), para. 12.
[24] JS8, para. 15.
[25] JS9, para. 11.
[26] HRW, p. 2.
[27] FT, para. 5. See also ICJ, para. 16., and JS5, para. 2.6.
[28] STPI, para. 1.
[29] HRC-SL, Chapter 1 (b), para. 1.
[30] HRC-SL, Chapter 2 (c), para. 14.
[31] TCHR, p. 3.
[32] CWVHR, p. 5.
[33] JS9, para. 13.
[34] JS16, para. 38.
[35] JS5, para. 2.10.
[36] TCHR, p. 2.
[37] JS5, para. 2.11.
[38] CTC, para. 10.
[39] HRC-SL, Chapter 2 (h), para. 32.
[40] For relevant recommendations see A/HRC/22/16, paras. 127.48, 127.52, 127.59, 127.75, 127.76, 127.78, 127.77, 127.79, 127.85, 127.103, 128.25, 128.29, 128.30, 128.31, 128.33, 128.34, 128.36, 128.37, 128.38, 128.40, 128.42, 128.54, 128.57, 128.70, 128.72, 128.74, 128.77, 128.78, 128.79, 128.80, 128.81, 128.82, 128.84, 128.85, 128.86, 128.88, 128.89, and 128.90.
[41] TAG, para. 7.
[42] JS9, para. 5.
[43] TAG, para. 10.
[44] CWVHR, p. 7. See also JS15, p. 10.
[45] JS19, p. 6.
[46] JS13, para. 4.5.
[47] JS9, para. 19.
[48] FLD, para. 2 (b). See also TCHR, p. 3.
[49] SLB, para. 8.
[50] ACF, para. 3.
[51] ACF, para. 18.
[52] JS9, para. 32.
[53] CWVHR, p. 2. See also TCHR, p. 3, JS9, para. 10.
[54] JS9, para. 10.
[55] Tourner La Page, p. 3.

[56] Tournez La Page, p. 3.
[57] ICJ, para. 9.
[58] JS9, paras. 33-34.
[59] TGTE, p. 2, Chapter I.
[60] TAG, para. 12.
[61] JUBILEE, p.5. See also TGTE, p.4.
[62] JS16, para. 13.
[63] ITJP, p. 6, para I.
[64] JS18, p.8.
[65] JS19, p. 9, sec #3.
[66] For relevant recommendations see A/HRC/22/16, paras. 127.57, 128.27, 128.85, 128.87, and 128.91.
[67] ADF International, para. 2.
[68] ADF International, para. 13.
[69] STPI, para. 1.
[70] JS11, p. 1.
[71] JS9, para. 20.
[72] JS5, para. 2.14. See also JS15, p.10.
[73] TCHR, p. 1.
[74] EAJCW, p. 1, Executive summary.
[75] CSW, para. 6.
[76] JS9, para. 19.
[77] JS14, para. 42.
[78] JS9, para. 16.
[79] JS13, para. 5.1.
[80] FLD, para. 2 (a).
[81] FLD, para. 2 (c).
[82] JS13, para. 2.5.
[83] For relevant recommendations: N/A.
[84] JS12, paras. 33 and 35.
[85] For relevant recommendations see A/HRC/22/16, para.128.24.
[86] JS3, para. 5.1. See also JS4, para. 3.
[87] For relevant recommendations: N/A.
[88] JS5, para. 5.9.
[89] JS6, para. 12.
[90] JS12, para. 29.
[91] JS10, para. 17.
[92] JS17, para. 29.
[93] JS17, para. 27.
[94] For relevant recommendations see A/HRC/22/16, paras. 127.58, 127.88, and 127.104.
[95] JS5, para. 5.7.
[96] JS6, para. 9.
[97] JS9, para. 42.
[98] Bharathi CCFT, p. 5.
[99] For relevant recommendations: N/A.
[100] JS5, para. 5.3.
[101] Bharathi CCFT, p. 6.
[102] JS12, para. 20.
[103] JS12, para. 22.
[104] For relevant recommendations see A/HRC/22/16, para. 127.89.
[105] Tournez La Page, p. 5, para. M.
[106] JS11, para. 30.
[107] JS6, para. 16.
[108] JS7, Chapter 3, 3.2, 3.1.1, p. 8.
[109] For relevant recommendations see A/HRC/22/16, paras. 127.61, 127.62, 127.63, 127.64, 127.65, 127.66, 127.68, 127.69, 128.28, and 128.55.
[110] JS16, para. 6.

[111] JS7, Chapter 4, 4.2, p. 12.
[112] JS22, p. 1.
[113] JS22, p. 3.
[114] JS5, para. 4.5.
[115] TCHR, p. 3.
[116] JS15, p.6. See also CWVHR, p. 6.
[117] JS5, para. 4.3.
[118] JS1, para. 3.
[119] JS1, para. 5.
[120] PEARL, para. 51.
[121] Bharathi CCFT, p. 6.
[122] For relevant recommendations see A/HRC/22/16, paras. 127.49; 127.50; 127.70; 127.71; 127.72; and 127.73.
[123] JS2, para. 15.
[124] JS1, para. 31.
[125] GIEACPC, p. 1.
[126] JS9, para. 29.
[127] JS16, para. 14.
[128] JS2, para. 17.
[129] For relevant recommendations see A/HRC/22/16, para.127.90.
[130] JS9, para. 27.
[131] JS7, p. 3.
[132] JS7, Chapter 2, 2.2, p. 5.
[133] JS7, Chapter 3, 3.4, 3.4.1, p. 9.
[134] JS5, Charter 5, para. 5.5.
[135] JS7, Chapter 3, 3.1., 3.1.1, p. 7.
[136] For relevant recommendations: N/A.
[137] LE PONT, p. 3.
[138] JS20, p. 2.
[139] JS5, para. 5.16.
[140] JS9, para. 44.
[141] JS16, para. 18.
[142] JS16, para. 32.
[143] JS5, Charter 5, para 5.8.
[144] JS6, p. 1.
[145] For relevant recommendations see A/HRC/22/16, paras. 127.92; 127.93; 127.94; 127.95; 127.96; 127.97; 127.98; 127.99; and 128.93.
[146] HRW, p. 3.
[147] JS5, Charter 6, para. 6.2.
[148] JS10, para. 6.
[149] JS10, para. 19.
[150] JUBILEE, page 2.
[151] JS9, para. 40.
[152] JS10, para. 30.
[153] JS9, para. 37.
[154] JS9, para. 38.
[155] PEARL, para. 1.
[156] Tamil Uzhagam, p. 1.
[157] Tamil Uzhagam, p. 3.
[158] TGTE, page 5, Chapter 7.
[159] Bharathi CCFT, p. 5.
[160] JS14, para. 17.
[161] JS15, Chapter 10, p. 8.
[162] LE PONT, p. 4.
[163] STPI, para. 27.
[164] STPI, para. 10.

[165] STPI, para. 9.
[166] For relevant recommendations: N/A.
[167] Tourner La Page, p. 5, para. u.
[168] Tamil Uzhagam, p. 1.
[169] JS1, para. 33.
[170] JS15, Chapter 7, p. 6.